

COMMONWEALTH OF PENNSYLVANIA

Legislative Journal

MONDAY, NOVEMBER 23, 1981

SESSION OF 1981

165TH OF THE GENERAL ASSEMBLY

No. 73

HOUSE OF REPRESENTATIVES

The House convened at 1 p.m., e.s.t.

THE SPEAKER (MATTHEW J. RYAN) IN THE CHAIR

PRAYER

REV. CHARLES NEISWENDER, JR., chaplain of the House of Representatives and pastor of Tulpehocken Trinity United Church of Christ, Richland, Lebanon County, Pennsylvania, offered the following prayer:

Let us pray:

Almighty God, as we address the work of this week, which contains the national holiday of Thanksgiving, we would offer our words of praise that we can live in and work for a state and a nation that is politically free. We pray that the belief which motivated the enactment of a national Thanksgiving day may always be a part of us, that we may see it is good for a nation to recognize the providence of God upon her.

Cause Your grace and care to rest upon those who meet in this place. May their deliberations produce thanksgiving and joy in the lives of many. Amen.

PLEDGE OF ALLEGIANCE

(The Pledge of Allegiance was enunciated by members.)

JOURNALS APPROVED

The SPEAKER. The Journals of Monday, October 19, and Tuesday, October 20, 1981, are now in print. Are there corrections to the Journals? If not, without objection, the Journals stand approved. The Chair hears no objection.

JOURNAL APPROVAL POSTPONED

The SPEAKER. Without objection, approval of the Journal for Wednesday, November 18, 1981, will be postponed until printed. The Chair hears no objection.

HOUSE BILLS INTRODUCED AND REFERRED

No. 2067 By Representatives JOHNSON, PHILLIPS and SALVATORE

An Act amending Title 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, further providing for misconduct in open court.

Referred to Committee on JUDICIARY, November 18, 1981.

No. 2068 By Representatives JOHNSON, MORRIS, GRIECO, J. L. WRIGHT, FARGO, COLE, PETRARCA, BELFANTI, BOWSER, MERRY, SPITZ, HOFFEL, WOGAN, SALVATORE, POTT, GEIST, PHILLIPS, PRATT, HALUSKA, ITKIN and JACKSON

An Act amending the "Tax Reform Code of 1971," approved March 4, 1971 (P. L. 6, No. 2), exempting interest from "all-savers" certificates to the extent exempt from Federal income tax.

Referred to Committee on FINANCE, November 18, 1981.

No. 2069 By Representatives JOHNSON, J. L. WRIGHT, MORRIS, COLE, PETRARCA, JACKSON, BELFANTI, BOWSER, SPITZ, SALVATORE and HALUSKA

An Act amending the "Public Welfare Code," approved June 13, 1967 (P. L. 31, No. 21), including tunnel vision for purpose of State blind pension.

Referred to Committee on HEALTH AND WELFARE, November 18, 1981.

No. 2070 By Representatives JOHNSON, MORRIS, COWELL, GRIECO, J. L. WRIGHT, BLAUM, FARGO, WENGER, B. SMITH, COLE, GREENWOOD, PETRARCA, JACKSON, BELFANTI, BOWSER, MERRY, SPITZ, FLECK, SNYDER, SALVATORE, REBER, MRKONIC, PRATT, SIRIANNI, HALUSKA and ITKIN

An Act amending the "Tax Reform Code of 1971," approved March 4, 1971 (P. L. 6, No. 2), exempting volunteer firefighters fund-raising activity purchases from sales tax.

Referred to Committee on FINANCE, November 18, 1981.

No. 2071 By Representatives KUKOVICH, BURNS, PISTELLA, WAMBACH, TELEK, IRVIS, DeWEESE, COHEN, DEAL, WACHOB, DAWIDA, BELFANTI, BLAUM, MICHLOVIC, KOWALYSHYN,

VAN HORNE, MRKONIC, FISCHER,
ALDEN, TIGUE, FARGO, PETRONE,
HOEFFEL, ZWIKL and LIVENGOOD

An Act requiring all consumer contracts to be written in plain English language.

Referred to Committee on BUSINESS AND COMMERCE, November 18, 1981.

No. 2072 By Representative FLECK

An Act amending the "Unemployment Compensation Law," approved December 5, 1936 (2nd Sp. Sess., 1937 P. L. 2897, No. 1), providing for relief from charges for reimbursable nonprofit employers.

Referred to Committee on LABOR RELATIONS, November 18, 1981.

No. 2073 By Representative BURNS

An Act authorizing the Department of General Services, with the approval of the Department of Environmental Resources and the Governor of the Commonwealth of Pennsylvania to convey a certain lot or tract of ground situate in the Township of Bensalem, Bucks County, Pennsylvania.

Referred to Committee on STATE GOVERNMENT, November 18, 1981.

No. 2074 By Representatives L. E. SMITH,
F. E. TAYLOR, SPITZ, DAWIDA,
MAIALE, McVERRY, GEIST, POTT and
FLECK

An Act amending the "Savings Association Code of 1967," approved December 14, 1967 (P. L. 746, No. 345), providing Statewide savings bank branches.

Referred to Committee on BUSINESS AND COMMERCE, November 18, 1981.

No. 2075 By Representatives BURD, COCHRAN,
L. E. SMITH, F. E. TAYLOR, POTT,
FARGO, McVERRY, BOYES, FRAZIER,
SNYDER, MORRIS, PETERSON,
HALUSKA, BOWSER, PERZEL,
JOHNSON, LETTERMAN, RASCO,
MANDERINO, DORR, SWAIM,
CUNNINGHAM, WOZNIAC, SWEET,
LESCOVITZ, LIVENGOOD, KUKOVICH,
LLOYD, LEVI, MACKOWSKI, WASS,
STAIRS, RIEGER, STEWART, GRUPPO
and McCALL

An Act providing for a plan to increase the availability of performance and other bonds required under State law, and providing for powers and duties of the Insurance Commissioner.

Referred to Committee on INSURANCE, November 18, 1981.

No. 2076 By Representative MILLER

An Act amending the "Pennsylvania Urban Mass Transportation Law," approved January 22, 1968 (P. L. 42, No. 8), authorizing local options for certain fares; establishing a different reimbursement base and removing certain reimbursement limitations.

Referred to Committee on TRANSPORTATION, November 18, 1981.

SENATE BILLS FOR CONCURRENCE

The clerk of the Senate, being introduced, presented the following bills for concurrence:

SB 1012, PN 1471

Referred to Committee on INSURANCE, November 18, 1981.

SB 1041, PN 1222

Referred to Committee on GAME AND FISHERIES, November 18, 1981.

SB 1044, PN 1225

Referred to Committee on TRANSPORTATION, November 18, 1981.

SB 1147, PN 1359

Referred to Committee on STATE GOVERNMENT, November 18, 1981.

HOUSE RESOLUTION INTRODUCED AND REFERRED

No. 129

(Concurrent) By Representatives SAURMAN,
DAIKELER, MACKOWSKI, SNYDER,
MRKONIC, HORGOS and DAWIDA

General Assembly memorialize United States House of Representatives and Senate begin a phase out of the tobacco support programs.

Referred to Committee on FEDERAL-STATE RELATIONS, November 18, 1981.

LEAVES OF ABSENCE GRANTED

The SPEAKER. The Chair recognizes the gentleman from Columbia, Mr. Stuban, who asks for leaves for the minority.

Mr. STUBAN. I ask for a leave for Mr. EMERSON from Philadelphia for the week; for Mr. PUCCIARELLI from Philadelphia for the week; for Mr. IRVIS from Allegheny for the week; and for Mr. BERSON from Philadelphia for today.

The SPEAKER. Without objection, leaves will be granted. The Chair hears no objection.

The Chair recognizes the majority whip for the purpose of taking leaves of absence.

Mr. CESSAR. Thank you, Mr. Speaker.

I do request leave today for the gentleman from Delaware, Mr. ALDEN, for today's session, and the gentleman from Allegheny, Mr. FLECK, for the week.

The SPEAKER. Without objection, leaves will be granted. The Chair hears no objection.

QUESTION OF PERSONAL PRIVILEGE

The SPEAKER. For what purpose does the gentleman from Centre, Mr. Letterman, rise?

Mr. LETTERMAN. A point of personal privilege, please.

The SPEAKER. The gentleman will state his point of personal privilege.

Mr. LETTERMAN. I just want you all to notice that the bear man is here today.

The SPEAKER. The who?

Mr. LETTERMAN. The bear man. Because of the way you voted on this House floor, I have missed the first day of bear season ever in my life, and I want to thank you all for doing that. Thank you.

The SPEAKER. The bears thank you, too.

MASTER ROLL CALL RECORDED

The SPEAKER. The Chair is about to take today's master roll call. Only those members in their seats are permitted to vote. The members will proceed to vote.

The following roll call was recorded:

PRESENT—194

Anderson	Fee	Lucyk	Salvatore
Armstrong	Fischer	McCall	Saurman
Arty	Foster, W. W.	McClatchy	Serafini
Barber	Foster, Jr., A.	McIntyre	Seventy
Belardi	Frazier	McMonagle	Showers
Belfanti	Freind	McVerry	Shupnik
Beloff	Fryer	Mackowski	Sieminski
Bittle	Gallagher	Madigan	Sirianni
Blaum	Gallen	Maiale	Smith, B.
Borski	Gannon	Manderino	Smith, E. H.
Bowser	George	Manmiller	Smith, L. E.
Boyes	Gladeck	Marmion	Snyder
Brandt	Grabowski	Merry	Spencer
Brown	Gray	Michlovic	Spitz
Burd	Greenfield	Micozzie	Stairs
Burns	Greenwood	Miller	Steighner
Caltagirone	Grieco	Miscevich	Stevens
Cappabianca	Gruitza	Mochlmann	Stewart
Cawley	Gruppo	Morris	Stuban
Cessar	Hagarty	Mowery	Swaim
Cimini	Haluska	Mrkonic	Sweet
Civera	Harper	Mullen	Swift
Clark	Hasay	Murphy	Taddonio
Clymer	Hayes	Nahill	Taylor, E. Z.
Cochran	Heiser	Noye	Taylor, F. E.
Cohen	Hoeffel	O'Donnell	Telek
Colafrella	Honaman	Olasz	Tigue
Cole	Horgos	Oliver	Trello
Cordisco	Hutchinson, A.	Pendleton	Van Horne
Cornell	Hutchinson, W.	Perzel	Vroon
Coslett	Itkin	Peterson	Wachob
Cowell	Jackson	Petrarca	Wambach
Cunningham	Johnson	Petrone	Wargo
DeMedio	Kanuck	Phillips	Wass
DeVerter	Kennedy	Piccola	Wenger
DeWeese	Klingaman	Pievsky	Weston
Daikeler	Kolter	Pistella	Wiggins
Davies	Kowalyshyn	Pitts	Williams, H.
Dawida	Kukovich	Pott	Williams, J. D.
Deal	Lashingner	Pratt	Wilson
Dietz	Laughlin	Punt	Wogan
Dininni	Lehr	Rappaport	Wozniak
Dombrowski	Lescovitz	Rasco	Wright, D. R.
Donatucci	Letterman	Reber	Wright, J. L.
Dorr	Levi	Richardson	Wright, R. C.
Duffy	Levin	Rieger	Zwikl

Durham	Lewis	Ritter	
Evans	Livengood	Rocks	Ryan,
Fargo	Lloyd	Rybak	Speaker

ADDITIONS—2

Gamble	Geist		
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NOT VOTING—0

EXCUSED—6

Alden	Emerson	Irvis	Pucciarelli
Berson	Fleck		

MEMBERS' PRESENCE RECORDED

The SPEAKER. The Chair recognizes the gentleman from Allegheny, Mr. Gamble, who asks that his name be added to the master roll call. The Chair recognizes the gentleman from Blair, Mr. Geist, who asks that his name be added to the master roll call.

CALENDAR

BILLS ON THIRD CONSIDERATION

The House proceeded to third consideration of **HB 562, PN 2409**, entitled:

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, further providing for the registration and inspection of vehicles the appointment and certification of inspection stations and mechanics.

On the question,

Will the House agree to the bill on third consideration?

Mr. LASHINGER offered the following amendments No. A4470:

Amend Sec. 9 (Sec. 4724), page 9, lines 13 through 17, by striking out all of said lines

Amend Sec. 9 (Sec. 4724), page 9, line 18, by striking out the bracket before "(B)"

Amend Sec. 9 (Sec. 4724), page 9, line 18, by striking out "(C)"

On the question,

Will the House agree to the amendments?

The SPEAKER. The Chair recognizes the gentleman from Montgomery, Mr. Lashingner.

Mr. LASHINGER. Thank you, Mr. Speaker.

Mr. Speaker, currently in HB 562 the House Transportation Committee saw fit to remove the State Police from their position of supervising vehicle inspection programs in all 67 counties in the Commonwealth. Traditionally, both through the Motor Vehicle Code, which gives the responsibility to PennDOT, and then the Administrative Code, which allows PennDOT to sub this work out to the Pennsylvania State Police, 67 troopers have served as garage inspectors in the Commonwealth and are currently serving all 67 counties in this capacity.

The SPEAKER. Will the gentleman yield?

POINT OF ORDER

The SPEAKER. For what purpose does the gentleman from Lehigh, Mr. Ritter, rise?

Mr. RITTER. A point of order, Mr. Speaker.

I cannot seem to find that amendment. No one around here seems to have it. This is a very important issue, and I do not know where the amendments are, but no one here seems to have them. Has that amendment been circulated?

The SPEAKER. The Chair recognizes the gentleman, Mr. Lashinger.

Mr. LASHINGER. Thank you, Mr. Speaker.

Mr. Speaker, it is being circulated right now on the floor.

Mr. RITTER. I hate to delay things, Mr. Speaker, but really I would ask that until we get the amendments, so we can see what it is we are talking about—

Mr. LASHINGER. It is on the floor right now, Mr. Speaker.

Mr. RITTER. —that we would hold up on this until we get the amendment.

The SPEAKER. The House will be at ease.

WELCOMES

The SPEAKER. The Chair is pleased to welcome to the hall of the House today Mr. and Mrs. Anthony Gruppo of Roseto, Pennsylvania, the uncle and aunt of Representative Gruppo, here today as the guests of their nephew, the gentleman from Northampton, Mr. Gruppo.

The Chair is pleased to welcome to the hall of the House today Ms. Carolina Serrano of Mexico City and Myra Best of State College, here today as the guests of the gentleman, Mr. Wachob.

The Chair is pleased to welcome to the hall of the House today as the guest of Representative Belfanti, Mr. Jim Hutnick of the International Brotherhood of Electrical Workers from Shamokin.

The Chair is further pleased to welcome to the hall of the House today Mr. Robert Kolar, legislative intern for Representative Dawida, here today as the guest of Representatives Dawida and Belfanti.

CONSIDERATION OF HB 562 CONTINUED

On the question recurring,
Will the House agree to the amendments?

The SPEAKER. The Chair once again recognizes the gentleman from Montgomery, Mr. Lashinger.

Mr. LASHINGER. Thank you, Mr. Speaker.

Mr. Speaker, again for the benefit of the members, the amendment will strike that language that the House Transportation Committee inserted into HB 562 that would no longer enable the State Police to supervise the vehicle inspection program in the 67 counties in this Commonwealth.

For years now, traditionally, the troop, the State Police, has served in a subcontracting capacity to the Department of Transportation, and this is permitted both through the Motor

Vehicle Code and the Administrative Code in this Commonwealth. At a period when we are still—while it is getting better—still facing a crisis of confidence in the Department of Transportation, I cannot see removing the State Police from this most important function. There are currently 67 troopers serving in this capacity across the Commonwealth. By removing this language, we will not be adding any new troopers to it; we will continue to use the 67 troopers who are currently trained in this program.

Elsewhere in the Motor Vehicle Code, it is important to note that these troopers will still be required to provide some other inspection services. The troopers also do school bus inspections. I heard debate the latter part of last week about the need, when we are dealing with legislation in this chamber, to maintain some philosophical unity. Well, it is not apparent in this legislation, Mr. Speaker, because we would have the troop doing bus inspections for the schools throughout Pennsylvania and be removing them from the garage inspection or motor vehicle inspection program.

Again, because of the problem with the confidence in giving this to the Department of Transportation and the fact that in some areas the State Police would still be in the program, coupled with the fact that if anyone has ever been involved in a suspension or revocation of a garage license, you know that it is important to use some criminal investigation techniques and these would only be available to individuals like the State Police and, I am sure, not available to people whom the Department of Transportation would choose to enforce this section of the code, I would therefore ask for support for the amendment. Thank you, Mr. Speaker.

The SPEAKER. The Chair recognizes the gentleman from Berks, Mr. Davies.

Mr. DAVIES. Mr. Speaker, as I understand, it has been agreed to with the minority whip and Mr. Lashinger that the wisdom of the position of the gentleman has prevailed, and I would support the amendment.

On the question recurring,
Will the House agree to the amendments?

The following roll call was recorded:

YEAS—179

Anderson	Foster, W. W.	McClatchy	Serafini
Armstrong	Foster, Jr., A.	McIntyre	Seventy
Arty	Frazier	McMonagle	Showers
Barber	Fryer	McVerry	Shupnik
Belardi	Gallagher	Mackowski	Sieminski
Belfanti	Gallen	Madigan	Sirianni
Belloff	Gamble	Maiale	Smith, B.
Bittle	Gannon	Manderino	Smith, E. H.
Borski	Geist	Manmiller	Smith, L. E.
Bowser	Gladeck	Marmion	Snyder
Boyes	Grabowski	Merry	Spencer
Brandt	Greenfield	Michlovic	Spitz
Brown	Greenwood	Miller	Stairs
Burd	Grieco	Miscevich	Steighner
Burns	Gruitza	Moehlmann	Stevens
Caltagirone	Gruppo	Morris	Stewart
Cappabianca	Hagarty	Mowery	Stuban
Cawley	Haluska	Mrkonic	Swaim
Cessar	Harper	Mullen	Sweet
Cimini	Hasay	Murphy	Swift
Clark	Hayes	Nahill	Taddonio
Clymer	Heiser	Noye	Taylor, E. Z.
Cochran	Honaman	O'Donnell	Taylor, F. E.

Cohen	Horgos	Olasz	Telek
Colafella	Hutchinson, A.	Oliver	Trello
Cole	Hutchinson, W.	Pendleton	Van Horne
Cordisco	Itkin	Perzel	Vroon
Cornell	Jackson	Peterson	Wachob
Coslett	Johnson	Petrarca	Wambach
Cowell	Kanuck	Petrone	Wargo
Cunningham	Kennedy	Phillips	Wass
DeMedio	Klingaman	Piccola	Wenger
DeVerter	Kolter	Pievsky	Weston
DeWeese	Kowalyszyn	Pistella	Wiggins
Daikeler	Kukovich	Pitts	Williams, J. D.
Davies	Lashingner	Pott	Wilson
Dietz	Laughlin	Punt	Wogan
Dombrowski	Lehr	Rappaport	Wozniak
Donatucci	Lescovitz	Rasco	Wright, D. R.
Dorr	Letterman	Reber	Wright, J. L.
Duffy	Levi	Rieger	Wright, R. C.
Durham	Levin	Ritter	Zwikl
Evans	Lloyd	Rocks	
Fargo	Lucyk	Rybak	Ryan,
Fee	McCall	Salvatore	Speaker
Fischer			

NAYS—13

Blaum	George	Livengood	Richardson
Dawida	Hoeffel	Micozzie	Saurman
Deal	Lewis	Pratt	Tigue
Dininni			

NOT VOTING—4

Civera	Freind	Gray	Williams, H.
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EXCUSED—6

Alden	Emerson	Irvis	Pucciarelli
Berson	Fleck		

The question was determined in the affirmative, and the amendments were agreed to.

The SPEAKER. The Chair recognizes the gentleman from Butler, Mr. Steighner.

It is the understanding of the Chair that the gentleman had two sets of amendments and is offering only one. Does the gentleman care to make a statement with regard to that?

Mr. STEIGHNER. That is correct, Mr. Speaker.

Due to the cost-savings uncertainty by the department, I will not be offering amendment 3913. I will, however, be offering amendment 4094.

The SPEAKER. The Chair thanks the gentleman.

On the question,

Will the House agree to the bill on third consideration as amended?

Mr. STEIGHNER offered the following amendments No. A4094:

Amend Sec. 7 (Sec. 4703), page 7, by inserting between lines 6 and 7

(9) Motor vehicles on the way to a service station in the Commonwealth for inspection when the service station has confirmed an appointment for such inspection.

Amend Sec. 7 (Sec. 4703), page 7, line 7, by striking out "(9)" and inserting

(10)

On the question,

Will the House agree to the amendments?

The SPEAKER. The Chair recognizes the gentleman from Butler, Mr. Steighner.

Mr. STEIGHNER. Thank you, Mr. Speaker.

Mr. Speaker, this amendment represents simply a convenience to the Pennsylvania motorist. It will allow him, once he has missed the deadline for motor vehicle inspection, once he has confirmed an appointment with a service station, to drive that car in direct route from his home to the service station.

The SPEAKER. The Chair recognizes the gentleman from Berks, Mr. Davies.

Mr. DAVIES. Mr. Speaker, although I have some problems with the openness of the amendment as far as the matter of appointment and that we would be agreeable to the amendment, it may be necessary at a later date to add clarifying language to the code if there is abuse under this particular amendment. Otherwise, I would agree to the amendment.

The SPEAKER. The Chair recognizes the gentleman from Indiana, Mr. Wass.

Mr. WASS. Mr. Speaker, would the maker of the amendment yield to interrogation, please?

The SPEAKER. The gentleman, Mr. Steighner, consents to interrogation. The gentleman, Mr. Wass, may proceed.

Mr. WASS. Mr. Speaker, I stand in support of your amendment, but please help me understand how this is to be confirmed. How would the inspection station confirm the appointment and to whom?

Mr. STEIGHNER. Mr. Speaker, if the motorist was stopped by a Pennsylvania State Policeman, that policeman could simply confirm that appointment by stopping at the service station, by calling the service station, by notifying them in writing. That is why we left that particular part of the amendment open. They have whatever option they would like to use.

Mr. WASS. In other words, it would be the word of the service station operator that the appointment has been made. There is nothing in writing or such.

Mr. STEIGHNER. That is correct, Mr. Speaker.

Mr. WASS. Thank you very much.

The SPEAKER. The Chair recognizes the gentleman from Erie, Mr. Bowser.

Mr. BOWSER. Would Mr. Steighner stand for brief interrogation?

The SPEAKER. The gentleman indicates he will. The gentleman, Mr. Bowser, may begin.

Mr. BOWSER. Mr. Speaker, under the provisions of this bill, the inspection sticker will be part of the renewal for the registration. Is there a provision in this bill that will keep them from being arrested for driving without a current registration, or are you talking just about the sticker itself now?

Mr. STEIGHNER. No. The registration application would not be included, since the motorist has the option and can do that basically from his home. He can fill out the application and send it in. It was not necessary to include that in the amendment, since he physically has to take that automobile to the service station to have it inspected. That is why it covers only the inspection of the vehicle.

Mr. BOWSER. All right, but what I am trying to get at are the technicalities here. They are not going to arrest him for not being updated on his registration if he has this certification that he is taking it in for inspection?

Mr. STEIGHNER. No, not if it was a confirmed appointment. While he was en route to the station, he could not be.

Mr. BOWSER. Then that would exonerate him from both until he gets it in there. Is that correct?

Mr. STEIGHNER. That is my understanding, yes.

Mr. BOWSER. All right, thank you. Thank you, Mr. Speaker.

On the question recurring,
Will the House agree to the amendments?

The following roll call was recorded:

YEAS—180

Anderson	Fargo	Lloyd	Serafini
Armstrong	Fee	Lucyk	Seventy
Arty	Fischer	McCall	Showers
Barber	Foster, W. W.	McClatchy	Shupnik
Belardi	Foster, Jr., A.	McIntyre	Sieminski
Belfanti	Frazier	McMonagle	Sirianni
Beloff	Freind	McVerry	Smith, B.
Bittle	Fryer	Mackowski	Smith, E. H.
Blaum	Gallagher	Madigan	Smith, L. E.
Borski	Gallen	Maiale	Snyder
Bowser	Gamble	Manderino	Spencer
Boyes	Geist	Manmiller	Stairs
Brandt	George	Merry	Steighner
Brown	Gladeck	Michlovic	Stevens
Burd	Grabowski	Miscevich	Stewart
Burns	Greenfield	Morris	Suban
Caltagirone	Greenwood	Mowery	Swaim
Cappabianca	Grieco	Mrkonic	Sweet
Cawley	Gruitza	Mullen	Swift
Cessar	Gruppo	Murphy	Taddonio
Cimini	Hagarty	Nahill	Taylor, E. Z.
Clark	Haluska	Noye	Taylor, F. E.
Clymer	Harper	O'Donnell	Telek
Cochran	Hasay	Olasz	Tigue
Cohen	Hayes	Oliver	Trello
Colafella	Hoeffel	Pendleton	Van Horne
Cole	Honaman	Perzel	Vroon
Cordisco	Horgos	Peterson	Wachob
Cornell	Hutchinson, A.	Petrarca	Wambach
Coslett	Hutchinson, W.	Petrone	Wargo
Cowell	Johnson	Phillips	Wass
Cunningham	Kanuck	Piccola	Wenger
DeMedio	Kennedy	Pievsky	Weston
DeVerter	Klingaman	Pistella	Wiggins
DeWeese	Kolter	Pott	Williams, H.
Daikeler	Kowalshyn	Pratt	Williams, J. D.
Davies	Kukovich	Punt	Wilson
Dawida	Lashinger	Rasco	Wogan
Deal	Laughlin	Reber	Wozniak
Dietz	Lehr	Richardson	Wright, D. R.
Dombrowski	Lescovitz	Rieger	Wright, J. L.
Donatucci	Letterman	Ritter	Zwikel
Dorr	Levi	Rocks	
Duffy	Levin	Rybak	Ryan,
Durham	Lewis	Salvatore	Speaker
Evans	Livengood		

NAYS—15

Civera	Itkin	Miller	Saurman
Dininni	Jackson	Moehlmann	Spitz
Gannon	Marmion	Pitts	Wright, R. C.
Heiser	Micozzie	Rappaport	

NOT VOTING—1

Gray

EXCUSED—6

Alden	Emerson	Irvis	Pucciarelli
Berson	Fleck		

The question was determined in the affirmative, and the amendments were agreed to.

On the question recurring,
Will the House agree to the bill on third consideration as amended?

Mr. GEORGE offered the following amendments No. A4839:

Amend Sec. 1, page 1, line 9, by inserting after "definition" and a section is added

Amend Bill, page 2, by inserting between lines 4 and 5 § 1110.1. Certain replacements of certificate of title.

If the transferor and transferee complete the certificate of title or registration form for purposes of assignment or reassignment and the documents are properly notarized or acknowledged and is mailed to the department and is subsequently lost before the department issues a new title or registration to the transferee, the transferee need not comply with the requirements of section 1110. The transferee shall be entitled to receive a certificate of title and/or registration documents if the person who notarized or acknowledged the document or documents, indicates in writing to the department that such documents were properly executed and mailed to the department.

On the question,
Will the House agree to the amendments?

The SPEAKER. The Chair recognizes the gentleman from Clearfield, Mr. George.

Mr. GEORGE. Thank you, Mr. Speaker.

Mr. Speaker, the amendment that I present to you today, even though it is not completely aligned with the matter before us, which is the inspection legislation, I felt that it was a matter of importance because this problem has been ongoing, and I feel that the department has refused to alleviate the matter; rather, they have taken the choice to where they refuse to do anything about it whatsoever.

Many of you who act as ombudsmen, many of you who are if you wish to call it messengers, I am sure you hear from your folks back home, both the individual motorists and those who are notaries and do title work, that for some unsuspecting reason the title work was prepared in an appropriate manner, sent in within the time frame that was insisted upon by the department, but for some reason after the department receives it, the constituent no longer knows where this paperwork is. Yet for some reason, one of the checks comes back cashed, and the department insists that they do not know where the paperwork is. They do not have documented in any manner what has happened to the paperwork, and actually they really do not know what happens to the paperwork.

Well, what the problem is—and this may not seem so important to you who have never had to go through this misalignment—the problem is that once the title is lost, it is difficult to get another title, because the individual who has purchased the automobile cannot sign the application for the

title, which for some reason that paperwork has been mislaid or laid aside, and now that individual has to go back to the original owner, and many times that individual did not buy the car off the original owner, and they must go through the routine of paying for a duplicate title that they were not responsible for the loss of, and in most cases pay an additional \$15 because there may have been an encumbrance on that title. Therefore, they not only have to go back to the original owner, which is time consuming, but they have to go back to the bank or the finance company that has the encumbrance on it. Therefore, what happens is that we have people running up and down the highway who have been waiting for their title work for 6 or 7 months, and the department does not know what to do about it, and the only thing they can say is start over again. But you cannot start over again unless you have a duplicate title, and as I said earlier, you cannot get a duplicate title unless the original owner signs for it, and that individual *might ignore your request and ignore the letter that you sent them*, and that individual is still running up and down the road.

So what my amendment does, it insists that the notary, who has the power of affidavit, acknowledges by affidavit that the paperwork was properly sealed, put into an envelope, and *received by the department, and they have a canceled check to show that part of the remittance was accepted either from Revenue or the department*. So if that paperwork becomes lost and the department insists that you start over again, that affidavit would serve in lieu of a duplicate title. That is all this does, and it will help thousands of people. Thank you.

The SPEAKER. The Chair recognizes the gentleman from Berks, Mr. Davies.

Mr. DAVIES. Mr. Speaker, on the amendment, I would yield to the gentleman, Mr. Peterson, on a point on this particular amendment.

The SPEAKER. The Chair recognizes the gentleman from Venango, Mr. Peterson.

Mr. PETERSON. Thank you, Mr. Speaker.

I certainly concur with the problem that our colleague, Mr. George, has brought before us. I received word from the department this morning that they are instituting a new process December 1, where they will microfilm all work *coming in as it comes in, and then there will be a permanent record in the department in the future, and the problem that the man is trying to address will not be*. I think that resolves the issue.

The SPEAKER. The Chair recognizes the gentleman from Westmoreland, Mr. Hutchinson.

Mr. A. K. HUTCHINSON. Mr. Speaker, could I ask Mr. Peterson a couple questions?

The SPEAKER. The gentleman indicates he will stand for interrogation. The gentleman, Mr. Hutchinson, may begin.

Mr. A. K. HUTCHINSON. Are they also going to put on the computer when it was received? What good is taking the *picture if they are going to lose that, too?*

Mr. PETERSON. Yes; it will be the first process that the revenue work will go through. Presently they do all the processes, issue the license, and then a day or two later they do

the microfilming. When one gets lost in the system, they have nothing to start over with. The new system, starting December 1, as I understand it, will be they will microfilm all the work the day it comes in—of course, the date would be on it, date received—and then that will be a permanent record in the department so they can reprocess, because they will have copies of the titles and everything on microfilm. And the problem that we have all struggled with for so long, I think, should be behind us.

Mr. A. K. HUTCHINSON. Well, what I asked, are they going to put on the computer that they received it?

Mr. PETERSON. Most work that I have seen now that comes in by mail is stamped on the date that it is received, and that would be photocopied and would be part of the permanent record.

Mr. A. K. HUTCHINSON. What if it gets lost before it gets to the microfilm? If they were going to do something about it, the day they received it, put it on the computer. Then when you or I go over there, it is in the computer and you know it is there.

Mr. PETERSON. That is right.

Mr. A. K. HUTCHINSON. Are they going to do that, too? That would solve his problem, but yours will not because they can lose the microfilm, too. Thank you.

The SPEAKER. The Chair recognizes the gentleman from Erie, Mr. Dombrowski.

Mr. DOMBROWSKI. Thank you, Mr. Speaker.

I rise to support the amendment offered by Mr. George. Contrary to the previous speaker who said that the department will take care of it after December 1, I have reason not to believe in what they are saying. Just last week I had three pieces of revenue that all were canceled by the sales tax office and were lost in between Revenue and PennDOT, and now PennDOT is insisting that they start out all over. Some of this work is approximately 5 months old, and it is going to be a difficult time for them to find the previous owner to get the title signed again. So I ask my colleagues for support of the George amendment.

The SPEAKER. The Chair recognizes the gentleman from Lehigh, Mr. Ritter.

Mr. RITTER. Mr. Speaker, I certainly share the problems and the sympathies of Mr. George. I am concerned, however, that I do not think this amendment is going to solve the problem, but rather I think this will create problems. Mr. George mentioned in his statement that if you show the canceled checks, et cetera, but Mr. Speaker, the amendment does not do that. It does not require that the canceled checks be submitted. It simply says an acknowledgment on the part of the notary, who might have done that notary 4 or 5 months ago, that the notary says that, yes, those documents were properly executed and mailed to the department. Now how is the notary public going to know in fact that Jim Ritter actually mailed that document to the department, or whether or not Bud George hand-carried that document out to the department? They do not know that, yet they are going to certify that they acknowledged the documents and that the documents were in fact mailed to the department. There is no

requirement in this amendment that the person has to prove that they in fact paid the sales tax that was due, if sales tax was due.

Mr. Speaker, I believe that none of us are naive enough to believe that every notary public doing business in the Commonwealth is without fault. There are dealers in this Commonwealth who have collected sales tax money, supposedly went through the title transactions for individuals and never turned them in to the department. To go back to that person and say all I need from you now is a letter indicating that we did everything we were supposed to do and the department will issue me a certificate of title without the department receiving any money for that title, without the Department of Revenue getting any sales tax for that transaction, to me is not the way to go. I think it is going to encourage abuse.

I must say and I agree that I think the department is about as fouled up as any department can be, and we need to do something about that. But frankly, I am just very much concerned that this amendment will not at all do the job but will just complicate matters, add to the confusion, and give another way out for people who want to violate the law to do so. We will be saying in effect that the department will have to issue a certificate of title without any further proof other than the fact that a notary says the papers were filled out properly, but no sales tax receipts or no other kind of information that the proper fees were paid. So on that basis, Mr. Speaker, I would ask for a negative vote on the amendment.

WELCOME

The SPEAKER. The Chair is pleased to welcome to the hall of the House today Mr. Frank DiRaimo from Erie County, here today as the guest of the minority whip, Mr. Manderino.

CONSIDERATION OF HB 562 CONTINUED

The SPEAKER. The Chair recognizes the gentleman from York, Mr. Foster.

Mr. A. C. FOSTER. Thank you, Mr. Speaker.

I likewise rise to oppose the amendment of the gentleman from Clearfield, Mr. George, and I do so reluctantly, because I know that Mr. George is genuinely trying to solve a very vexing problem, one which I have encountered and doubtless most of you have. But I really think that the solution that he offers is far too open to abuse, and I would much rather give the department the opportunity to implement the changes that the gentleman, Mr. Peterson, alluded to. I think that that would be a much more practical solution to the problem, and I would urge the gentleman, Mr. George, that he and I and all of the members of the House keep after the department to see that they do so institute those changes. I would therefore ask for a negative vote on the amendment.

The SPEAKER. The Chair recognizes the gentleman from Allegheny, Mr. Trello.

Mr. TRELLO. Mr. Speaker, I rise to support the George amendment. Some of the statements that the former members stated are very, very true, but we are talking about legitimate cases that have been mailed in where a canceled check can be

provided. I think in that case that a letter from a notary public would be justified. I do not think Mr. George is talking about a case that never gets to PennDOT; I think he is talking about cases that actually get there and that are lost. I myself in the last 3 weeks have had two experiences to that effect, and I rise to support the George amendment.

The SPEAKER. The Chair recognizes the gentleman from Venango, Mr. Peterson.

Mr. PETERSON. Would Mr. George stand for brief interrogation?

The SPEAKER. The gentleman from Clearfield, Mr. George, indicates he will stand for interrogation. The gentleman may proceed.

Mr. PETERSON. Mr. Speaker, let us suppose that I went to a notary, did some transfer work, and then he gave it to me to mail, and then I forgot to mail it or I lost it, and then I would go back to him and I would say, hey, you remember when you did this for me, and he gave me a stamp or something saying that he did this work. That is still no proof that I ever mailed it or that it ever was given to the department. Could this not happen?

Mr. GEORGE. Mr. Speaker, I, too, share your concern, and I also have a greater concern for the problem that you and I both know and all of those who have spoken against this, and if you know anything about the transportation rules and regulations, you will know that if an individual bought a temporary tag, under law he cannot send it in on his own, and that the individual who sold him that T tag, by law, must send it in. And if you believe in the notary system—and many times we send the application to our constituency telling them how much we trust them and that they are law-abiding citizens—if you cannot accept their attestation, then you had better do away with the notary system.

Listen, talk is cheap, but it takes money to buy whiskey. You know this problem is there; we have had it. Previous speakers have said, you know, we cannot acknowledge. Well, listen, there is nothing that you or the previous speakers said, Mr. Speaker, that insists even if the department received it. Now I will have it redrafted to say upon presentation of the canceled check, but even if we prove that the department cashed the check, there is nothing before the department, there will be nothing before the department until we put it in legislation to make them reissue the title. Now what happens is, if you know as much about this as I believe you ought to, coming from a rural area where you are forced to do this, if that title is lost, that individual, 9 chances out of 10, can spend \$100 calling that 3130 and get nothing from those people but a sad excuse. They are going to have to call Representative Peterson, and he is going to have to take time from his legislation to find out what is going on. The end result is you will not be able to do anything but say to your constituent, all I can advise you to do is start over; get the sales tax form in, get your MV-1 in, get the proper paperwork in, and get your title in. Then your constituent says, well, they lost the title. Well, then you say, you go back and you get the individual whom you bought the car from to sign the MV-38 form. And the constituent says, well, I sent to California three times

and they will not answer my letter, and until that individual signs that MV-38 form, you are not going to get a duplicate title.

Now, if you want this to continue, you keep it up. But I am telling you, you can make all the excuses you want for the department. They have a department over there now that is a discrepancy unit, and I want to tell you, your watch pocket knows more than that discrepancy unit. If you vote "no" on this bill, you do not want to help your people.

The SPEAKER. Does the gentleman, Mr. Peterson, desire recognition?

Mr. PETERSON. Yes.

The SPEAKER. The gentleman is in order and may proceed.

Mr. PETERSON. Thank you, Mr. Speaker.

I certainly agree with the maker of the amendment that there is a problem. I guess we disagree on how it should be solved. I think we are opening another door that maybe we should not open. I personally have been very pleased with the new development by the department where they will microfilm all work as it comes in. They are also going to have a tracking system where we can call them and find out where that piece of work is. I personally think we ought to give that a 60-day trial, and if that does not work, maybe Mr. George and all of us can get together with some way of resolving this issue. At this time I urge my colleagues to vote "no" on the George amendment.

The SPEAKER. The Chair recognizes the lady from Susquehanna, Miss Sirianni.

Miss SIRIANNI. Mr. Speaker, I rise in support of Mr. George's amendment. Last week I had an hour-and-a-half conference with Dr. Larson and someone from the House of Representatives who works on titles, and I brought to him examples, as he asked me to, of all the people who sent for titles and the department lost them and they were trying to collect a second fee. I think it is wrong. I met with him for an hour and a half, and he is supposed to be investigating it because it is worse now than it ever was. I think that is the best amendment I have ever heard on the floor of this House, and if you do not believe me, you can come and look at my mail from complaints of titles.

The SPEAKER. The Chair recognizes the gentleman from Berks, Mr. Davies.

Mr. DAVIES. Mr. Speaker, I must admit that those two with that one-two punch is a hard group to deal with, but I draw one particular question to the maker of the amendment, if he would stand for interrogation, Mr. Speaker.

The SPEAKER. The gentleman indicates he will. The gentleman, Mr. Davies, may proceed.

Mr. DAVIES. Mr. Speaker, I agree and commiserate with you on the problem. I agree that there is a problem there, and I do take some homage to the fact that we need the 60-day period to evaluate the situation and really test it to see whether an improvement is there. The only concern, and I express to you, sir, and I ask you, is that there is supposedly a 2-percent error with the postal officials and the post office department. Those again are department figures. I do not have any valida-

tion of those figures, but we are asking the department to then assume that 2-percent margin of error. Now, when you start talking about the figures we are talking about, it becomes a sizable amount of change, and we do have that particular problem. I would have to also say that I think that Representative Ritter is correct that in that type of error, we cannot validate from the requirement that you have here. I wish that you would certainly reconsider that kind of margin of error that we are dealing with. If I would have any figures available, I would think that probably the 2 percent may even run higher at times, knowing the reliability of that system, but I would not challenge that on this floor.

Would you agree that we do have that particular problem, sir, that 2-percent margin with validation, as far as the delivery of the postal system to the department?

Mr. GEORGE. Mr. Speaker, if in fact there is only a 2-percent margin, why do you not take them to your district and let them out of my district, because they all seem to be in my district. I insist that that 2 percent to some poor, *misfortunate* individual who has a check cashed and presents it and still the department under the new—and I insist under the new—encumbrance fee now wants to charge \$20, not \$5 but \$20, that 2 percent is a very important percentage. We have police on the streets because of only 2 percent, and I believe we should get our legislation to help that 2 percent.

You know as well as I, Mr. Speaker, that if this amendment passes, the department will insist on rules and regulations that may not be as direct as what this legislation is, but I believe it will force them to take an action that you and I and everyone here knows will possibly rectify this, even if they only insist that they want a canceled check, and many times there are canceled checks. All I am saying to you, Mr. Speaker, I ask you in cross-interrogation, what do you tell your people who cannot get a signature on an MV-38 and there was an encumbrance and the department did not know the encumbrance was satisfied and they have to go back to the lending institution and get that part of the thing signed? What do you do to get these people on the road again? Will you answer me, Mr. Speaker?

Mr. DAVIES. Mr. Speaker, that is put in a question of interrogation. I would have to say that I face some of the same problems. I again would not guarantee that the 60-day period that I am asking the maker's forbearance for is going to resolve it, but I am hopeful that it would. Again, the problem exists that a half of cure here is still going to create the compounding of that question of the department having to deal with that other 2 percent. If it were a full measure in which there was some way we could trace that or put that into this amendment, I would be the first to agree with that. I think that we have that problem, and, of course, I do not have an answer other than the fact that the canceled check again would be the only other satisfactory measurement or safeguard we could put into it. Until those things are there in the amendment, I would be unable to support it simply because of the fact that that problem still exists, and I think it is unfair to ask any department to absorb that sort of differential. Thank you, Mr. Speaker.

The SPEAKER. The Chair recognizes the lady from Susquehanna, Miss Sirianni.

Miss SIRIANNI. Mr. Speaker, if, as my colleague, Mr. Davies, says, the problem is going to be resolved in 2 months, then why does he care about this amendment? Let us help it out for 2 months. It will be obsolete in 2 months according to you, so why would you bother objecting to it?

Anyway, I think it must be 4 percent, because if Mr. George has 2 percent in his district, I know I have 2 percent in mine, so that makes 4 percent.

The SPEAKER. The Chair recognizes the gentleman from Beaver, Mr. Kolter.

Mr. KOLTER. Mr. Speaker, it is unfortunate that the best made plans of PennDOT go awry. It seems to me that most of the constituent problems we have today are related to transportation and PennDOT. Now it has been alluded to and shown by various individuals here today that the amendment is not written properly. That may be so. However, I think here this afternoon we should vote in the affirmative to pass this amendment to show PennDOT that we legislators mean business. It is about time for them to pay heed to us, and if this is a route we must go, we will go. So let us vote in the affirmative, please.

The SPEAKER. The Chair recognizes the gentleman from Berks, Mr. Davies, for the second time on the amendment.

Mr. DAVIES. Mr. Speaker, I guess it is in my frugality and my concern about the errors of the postal service that why must we encumber PennDOT with those errors. My answer to Miss Sirianni is the same as it was before, that I do see that there is some good to the amendment, but it is only a part of a cure and it does not speak to that. If what they are saying is true, then it does compound the errors, and the errors must go way beyond the admitted 2 percent. So I am saying in essence what we are doing is asking PennDOT to take up that particular margin of error. If what they are saying is true and all of these additional errors do exist, and particularly those from rural areas, then we must have more than that 2 percent.

I said I could not validate it, and I cannot in all good conscience ask the department to take a licking on that. If it is better than 2 percent—and I now have some doubt whether it is 2 percent—we are asking them to go even beyond that particular limit, and I think it is exorbitant. Any amount of money that has a request of one department taking on the responsibility for something that is less than desirable in a Federal service, I would have some question about. It is the only reason that I stand in opposition to the amendment. Thank you, Mr. Speaker.

The SPEAKER. The Chair recognizes the gentleman from York, Mr. Foster.

Mr. A. C. FOSTER. Mr. Speaker, one thing we must recognize is the fact that we have notaries of all caliber in this Commonwealth, and I will give you an example of what happens. I have had constituents come to me and say, I have had notary work done, the notary told me to send the title into the Bureau of Motor Vehicles and to send the sales tax form to the Bureau of Sales and Use Tax, and I did that and now I have all kinds of problems.

This gives you an idea of the fact that notaries make a lot of errors in the Commonwealth; the department does not make them all. Here we are vesting notaries with the power to state that certain documents were sent in in correct form. Mr. Speaker, this is not the way to tackle this problem. I would urge a negative vote on the amendment.

The SPEAKER. The Chair recognizes the gentleman from Erie, Mr. Dombrowski.

Mr. DOMBROWSKI. Thank you, Mr. Speaker.

Just briefly, one of the previous speakers said that we cannot blame PennDOT for the mistakes made by the postal department. When I spoke in favor of this amendment, I did not refer to the postal system; I referred to the system right over in PennDOT where the paperwork was lost between Revenue and PennDOT. Again, I ask for an affirmative vote.

On the question recurring,
Will the House agree to the amendments?

The following roll call was recorded:

YEAS—101

Anderson	Foster, W. W.	Levin	Serafini
Barber	Fryer	Livengood	Seventy
Belardi	Gallagher	Lucyk	Shupnik
Belfanti	Gamble	McCall	Sirianni
Beloff	George	McIntyre	Stairs
Blaum	Greenfield	McMonagle	Steighner
Borski	Grieco	Maiale	Stevens
Brown	Gruitza	Miscevich	Stewart
Caltagirone	Haluska	Morris	Suban
Cappabianca	Harper	Mrkoncic	Sweet
Cawley	Hasay	Mullen	Swift
Cimini	Hoeffel	Murphy	Taylor, E. Z.
Clark	Horgos	O'Donnell	Taylor, F. E.
Cohen	Hutchinson, A.	Olasz	Telek
Colafella	Jackson	Oliver	Trello
Cole	Johnson	Pendleton	Van Horne
Cordisco	Kanuck	Petrarca	Wachob
Cowell	Klingaman	Petrone	Wambach
DeMedio	Kolter	Pievsky	Wargo
Dawida	Kowalshyn	Pistella	Wiggins
Deal	Kukovich	Pratt	Williams, H.
Dombrowski	Lashingier	Rappaport	Williams, J. D.
Donatucci	Lehr	Richardson	Wozniak
Duffy	Lescovitz	Rieger	Wright, D. R.
Evans	Letterman	Rybak	Zwilk
Fee			

NAYS—90

Armstrong	Fargo	Mackowski	Saurman
Arty	Fischer	Madigan	Showers
Bittle	Foster, Jr., A.	Manderino	Sieminski
Bowser	Frazier	Manmiller	Smith, B.
Boyes	Freind	Marmion	Smith, E. H.
Brandt	Gannon	Merry	Smith, L. E.
Burd	Geist	Micozzie	Snyder
Burns	Gladeck	Miller	Spencer
Cessar	Grabowski	Moehlmann	Spitz
Civiera	Greenwood	Mowery	Swaim
Clymer	Gruppo	Nahill	Taddonio
Cochran	Hagarty	Noye	Tigue
Cornell	Hayes	Perzel	Vroon
Coslett	Heiser	Peterson	Wass
Cunningham	Honaman	Phillips	Wenger
DeVerter	Hutchinson, W.	Piccola	Weston
DeWeese	Kennedy	Pitts	Wilson
Daikeler	Laughlin	Pott	Wogan
Davies	Levi	Punt	Wright, J. L.
Dietz	Lewis	Reber	Wright, R. C.
Dininni	Lloyd	Ritter	
Dorr	McClatchy	Rocks	Ryan,

Durham	McVerry	Salvatore	Speaker
NOT VOTING—5			
Gallen	Itkin	Michlovic	Rasco
Gray			
EXCUSED—6			
Alden	Emerson	Irvis	Pucciarelli
Berson	Fleck		

The question was determined in the affirmative, and the amendments were agreed to.

On the question recurring,

Will the House agree to the bill on third consideration as amended?

Mr. FRYER offered the following amendments No. A4687:

Amend Title, page 1, line 3, by striking out "and" and inserting a comma

Amend Title, page 1, line 4, by removing the period after "mechanics" and inserting and requiring the fee for inspection certificates to be printed thereon.

Amend Bill, page 4, by inserting between lines 6 and 7

Section 4. Section 1958 of Title 75 is amended to read:

§ 1958. Certificate of inspection.

The department shall charge \$1 for each certificate of inspection which shall be marked "Fee \$1" in one-quarter inch boldface type.

Amend Sec. 4, page 4, line 7, by striking out "4" and inserting

5

Amend Sec. 5, page 4, line 12, by striking out "5" and inserting

6

Amend Sec. 6, page 5, line 10, by striking out "6" and inserting

7

Amend Sec. 7, page 5, line 26, by striking out "7" and inserting

8

Amend Sec. 8, page 8, line 16, by striking out "8" and inserting

9

Amend Sec. 9, page 8, line 28, by striking out "9" and inserting

10

Amend Sec. 10, page 9, line 28, by striking out "10" and inserting

11

Amend Sec. 11, page 10, line 21, by striking out "11" and inserting

12

Amend Sec. 12, page 11, line 15, by striking out "12" and inserting

13

Amend Sec. 13, page 13, line 26, by striking out "13" and inserting

14

Amend Sec. 14, page 14, line 20, by striking out "14" and inserting

15

On the question,

Will the House agree to the amendments?

The SPEAKER. For what purpose does the gentleman from Berks, Mr. Gallen, rise?

Mr. GALLEN. I do not think that the turkey submitted by Mr. Fryer has been circulated.

The SPEAKER. Does the gentleman, Mr. Fryer, care to respond?

Mr. FRYER. He is erroneous as to a turkey, and I believe it is in the process of being distributed, and I know the gentleman is eagerly awaiting so he can read the amendments.

Mr. Speaker, in regard to this fine amendment which has been verbally abused, I wish to state that what I propose to do by this amendment is, on your inspection certificate that is placed on the windshield of your motor vehicle, I would add—and I am reading now from the amendment—"which shall be marked 'Fee \$1' in one-quarter inch boldface type."

Now, Mr. Speaker, many of our motorists do not know what the State is receiving for the inspection stickers. They may believe this figure or that figure. I think that they are entitled to know precisely the price, which is \$1. I think, Mr. Speaker, that this will tend to close more the remarks that have been made in this area, and I believe that it is for the protection of the consumer that they know precisely the amount. This had been in earlier on certificates, but it was later removed. Mr. Speaker, I would ask for the adoption of this fine amendment.

The SPEAKER. The Chair recognizes the gentleman from Berks, Mr. Davies.

Mr. DAVIES. Mr. Speaker, would the maker of the amendment stand for interrogation?

The SPEAKER. The gentleman indicates he will stand for interrogation. The gentleman, Mr. Davies, may begin.

Mr. DAVIES. Mr. Speaker, in reference to this, you are talking about the \$1 appearing on that current windshield sticker that is required and placed down on that—if no other space is available—

Mr. FRYER. Left side of the driver. Yes, Mr. Speaker.

Mr. DAVIES. All right. Thank you, Mr. Speaker.

I would have no objections to the amendment.

The SPEAKER. The Chair recognizes the gentleman from Indiana, Mr. Wass.

Mr. WASS. Mr. Speaker, may I interrogate the maker of the amendment?

The SPEAKER. The gentleman indicates he will stand for interrogation. The gentleman, Mr. Wass, may proceed.

Mr. WASS. Mr. Speaker, under the bill, HB 562, at this time, we would pay \$2 for an inspection sticker. Are you changing that?

Mr. Speaker, the interrogation is not necessary.

On the question recurring,

Will the House agree to the amendments?

The following roll call was recorded:

YEAS—180

Anderson	Fee	Lloyd	Rybak
Armstrong	Fischer	Lucyk	Salvatore
Arty	Foster, W. W.	McCall	Saurman
Barber	Foster, Jr., A.	McClatchy	Serafini
Belardi	Frazier	McIntyre	Seventy
Belfanti	Freind	McMonagle	Showers
Bittle	Fryer	Mackowski	Shupnik
Blaum	Gallagher	Madigan	Sieminski
Borski	Gallen	Maiale	Sirianni

Bowser	Gamble	Manderino	Smith, E. H.
Boyes	Gannon	Manmiller	Snyder
Brandt	Geist	Marmion	Spitz
Brown	George	Merry	Stairs
Burd	Gladeck	Michlovic	Steighner
Burns	Grabowski	Micozzie	Stevens
Caltagirone	Greenfield	Miller	Stewart
Cappabianca	Greenwood	Moehlmann	Stuban
Cawley	Grieco	Morris	Swaim
Cessar	Gruitza	Mrkonic	Swift
Cimini	Gruppo	Mullen	Taylor, E. Z.
Civera	Hagarty	Murphy	Taylor, F. E.
Clark	Haluska	Nahill	Telek
Clymer	Harper	Noye	Tigue
Cochran	Hasay	O'Donnell	Trello
Cohen	Hayes	Olasz	Van Horne
Colafella	Hoefel	Oliver	Vroon
Cole	Honaman	Pendleton	Wachob
Cordisco	Horgos	Perzel	Wambach
Cornell	Hutchinson, A.	Peterson	Wargo
Coslett	Hutchinson, W.	Petrarca	Wass
Cowell	Itkin	Petrone	Wenger
Cunningham	Jackson	Phillips	Weston
DeVerter	Johnson	Piccola	Wiggins
DeWeese	Kanuck	Pievsky	Williams, H.
Daikeler	Kennedy	Pistella	Williams, J. D.
Davies	Kolter	Pitts	Wilson
Dawida	Kowalshyn	Pratt	Wogan
Deal	Kukovich	Punt	Wozniak
Dietz	Laughlin	Rappaport	Wright, D. R.
Dombrowski	Lehr	Rasco	Wright, J. L.
Donatucci	Lescovitz	Reber	Wright, R. C.
Dorr	Letterman	Richardson	Zwikel
Duffy	Levi	Rieger	
Durham	Levin	Ritter	Ryan,
Evans	Lewis	Rocks	Speaker
Fargo	Livengood		

NAYS—11

Dininni	Lashinger	Pott	Spencer
Heiser	Miscevich	Smith, B.	Taddonio
Klingaman	Mowery	Smith, L. E.	

NOT VOTING—5

Beloff	Gray	McVerry	Sweet
DeMedio			

EXCUSED—6

Alden	Emerson	Irvis	Pucciarelli
Berson	Fleck		

The question was determined in the affirmative, and the amendments were agreed to.

On the question recurring,
Will the House agree to the bill on third consideration as amended?

Mr. GEORGE offered the following amendments No. A4420:

Amend Title, page 1, line 3, by inserting after "vehicles"
; examination of applicants for drivers'
licenses

Amend Bill, page 4, by inserting between lines 6 and 7
Section 4. Section 1508(a) of Title 75 is amended to read:

§ 1508. Examination of applicant for driver's license.
(a) General rule.—Every applicant for a driver's license shall be examined by a department employee for the type or class of vehicles that the applicant desires to drive. The examination shall include a physical examination, a screening test of the applicant's eyesight and a test of the applicant's ability to read and understand official traffic-control devices, knowledge of safe driving practices and the traffic laws of this Commonwealth, and

shall include an actual demonstration of ability to exercise ordinary and reasonable control in the operation of a motor vehicle of the type or class of vehicles for which the applicant desires a license to drive. If the department finds it necessary to further determine an applicant's fitness to operate a motor vehicle safely upon the highways the department may require one or more of the following types of examinations:

- (1) A vision examination by an optometrist or ophthalmologist.
- (2) A physical examination.
- (3) A mental examination.

Amend Sec. 4, page 4, line 7, by striking out "4" and inserting

5

Amend Sec. 5, page 4, line 12, by striking out "5" and inserting

6

Amend Sec. 6, page 5, line 10, by striking out "6" and inserting

7

Amend Sec. 7, page 5, line 26, by striking out "7" and inserting

8

Amend Sec. 8, page 8, line 16, by striking out "8" and inserting

9

Amend Sec. 9, page 8, line 28, by striking out "9" and inserting

10

Amend Sec. 10, page 9, line 28, by striking out "10" and inserting

11

Amend Sec. 11, page 10, line 21, by striking out "11" and inserting

12

Amend Sec. 12, page 11, line 15, by striking out "12" and inserting

13

Amend Sec. 13, page 13, line 26, by striking out "13" and inserting

14

Amend Sec. 14, page 14, line 20, by striking out "14" and inserting

15

On the question,
Will the House agree to the amendments?

The SPEAKER. The Chair recognizes the gentleman from Clearfield, Mr. George.

Mr. GEORGE. Thank you, Mr. Speaker.

Mr. Speaker, I do not know what bill we are working on, because on the first amendment that was presented today, I voted "no" because I do not believe the amendment did anything. All it did was insist on the language that was in the bill and that is already common law, that the department "may." If anybody would read the Vehicle Code, you would soon learn that right now the Secretary of Transportation, without this law, without this legislation, can, just at his own prerogative, insist on who carries out his wish to who oversees State inspection, drivers' training, and all of that. That is in the Motor Vehicle Code now. The first amendment I saw presented to us by Representative Lashinger insisted that that language be ripped out of this bill, and the language did not do any more than what the law does now, that insists that the Secretary "may."

Now, I present to you an option as to whether or not you are going to let the Secretary or the department or the legislature insist on who should do what. All this simply does is what the State Police and the department have been telling me for months, and that is to let their personnel handle drivers' training. That is simply what the amendment does, to allow what the State Police have been insisting upon, that drivers' examination points be manned by civilian personnel, and some of them are manned at this time. But because the language is somewhat vague or because we as legislators refuse to read that language, we believe it cannot be done. Yes, it can be done, but the best way to do it is to insist by this amendment. Thank you.

The SPEAKER. The Chair recognizes the gentleman from Berks, Mr. Davies.

Mr. DAVIES. Again, Mr. Speaker, I would have to oppose the amendment because of the simple fact that we are trying, of course, to deal with the matter of inspection, not the matter of the driver examination or application thereof in that particular process.

I feel that as it is in place now, it is a viable system, and, of course, would hope that we would be able to keep that in place as it is now, and, therefore, I would oppose the amendment. Thank you, Mr. Speaker.

On the question recurring,
Will the House agree to the amendments?

The following roll call was recorded:

YEAS—93

Barber	Evans	Lucyk	Serafini
Belfanti	Fee	McCall	Seventy
Beloff	Fischer	McIntyre	Shupnik
Blaum	Fryer	Mackowski	Steighner
Borski	Gallagher	Maiale	Stewart
Brown	Gamble	Manderino	Stuban
Burns	George	Michlovic	Swaim
Caltagirone	Grabowski	Morris	Sweet
Cappabianca	Greenfield	Mrkonic	Taylor, F. E.
Cawley	Gruitza	Mullen	Tigue
Clark	Haluska	Murphy	Trello
Cohen	Harper	O'Donnell	Van Horne
Colafrella	Hoeffel	Olasz	Wachob
Cole	Horgos	Pendleton	Wargo
Cordisco	Hutchinson, A.	Petrarca	Weston
Cowell	Itkin	Petrone	Wiggins
DeMedio	Kolter	Pievsky	Williams, H.
DeWeese	Kukovich	Pistella	Williams, J. D.
Dawida	Laughlin	Pratt	Wilson
Deal	Lescovitz	Rappaport	Wogan
Dombrowski	Letterman	Richardson	Wozniak
Donatucci	Levin	Rieger	Wright, D. R.
Duffy	Livengood	Rocks	Zwilk
Durham			

NAYS—100

Anderson	Frazier	McClatchy	Saurman
Armstrong	Freind	McVerry	Showers
Arty	Gallen	Madigan	Sieminski
Belardi	Gannon	Manmiller	Sirianni
Bittle	Geist	Marmion	Smith, B.
Bowser	Gladeck	Merry	Smith, E. H.
Boyes	Greenwood	Micozzie	Smith, L. E.
Brandt	Grieco	Miller	Snyder
Burd	Gruppo	Miscevich	Spencer
Cessar	Hagarty	Moehlmann	Spitz
Cimini	Hasay	Mowery	Stairs
Civera	Hayes	Nahill	Stevens

Clymer	Heiser	Noye	Swift
Cochran	Honaman	Perzel	Taddonio
Cornell	Hutchinson, W.	Peterson	Taylor, E. Z.
Coslett	Jackson	Phillips	Telek
Cunningham	Johnson	Piccola	Vroon
DeVerter	Kanuck	Pitts	Wambach
Daikeler	Kennedy	Pott	Wass
Davies	Klingaman	Punt	Wenger
Dietz	Kowalshyn	Rasco	Wright, J. L.
Dininni	Lashingar	Reber	Wright, R. C.
Dorr	Lehr	Ritter	
Fargo	Levi	Rybak	Ryan,
Foster, W. W.	Lewis	Salvatore	Speaker
Foster, Jr., A.	Lloyd		

NOT VOTING—3

Gray	McMonagle	Oliver
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EXCUSED—6

Alden	Emerson	Irvis	Pucciarelli
Berson	Fleck		

The question was determined in the negative, and the amendments were not agreed to.

On the question recurring,

Will the House agree to the bill on third consideration as amended?

Mr. GAMBLE offered the following amendments No. A4861:

Amend Sec. 5, page 4, lines 12 and 13, by striking out “, subsection (a) amended” in line 12, all of line 13 and inserting

is amended by adding a subsection to read:

Amend Sec. 5 (Sec. 4702), page 4, lines 15 through 30; page 5, lines 1 through 9, by striking out all of said lines on said pages and inserting

(e) Inspections at 12,000 miles.—Whenever a vehicle is inspected, it shall be determined by the official inspection station whether or not the vehicle has been driven in excess of 12,000 miles since its last inspection. If the vehicle has been driven in excess of 12,000 miles since its last inspection it shall be re-inspected. If the vehicle has been driven less than 12,000 miles it need not be re-inspected but shall be verified and recorded as to its mileage and granted a currently valid certificate. The mileage of each vehicle as shown by the odometer reading shall be recorded upon the certificate of inspection and upon the records of the official inspection station. In the event that an odometer is inoperative, the vehicle shall be re-inspected. The inspection station shall charge \$3 for each verification of mileage or certificate of inspection issued.

On the question,

Will the House agree to the amendments?

The SPEAKER. The Chair recognizes the gentleman from Allegheny, Mr. Gamble.

Mr. GAMBLE. Mr. Speaker, in considering HB 562, in going from two inspections per year to one inspection per year is going from one extreme to the other. There were hearings held last summer concerning this controversial bill, and it was very clear consistently in the testimony that automobiles that travel many miles are in need of two inspections per year. Those that do not travel any great distance are not in need of two inspections per year. Further verification of this fact is HB 562 itself, for it says that school buses, mass transit vehicles, and motor carrier vehicles are still required under

this bill to have two inspections per year because of the miles traveled and the safety factor involved. I just want to extend that thinking to the rest of the driving public by way of this compromise amendment.

My amendment will retain the present system of inspections to a point. Beginning in the first inspection period of 1983, the automobiles will be inspected as they are now, with one exception. The mileage will be logged on the inspection sticker. The next 6-month period, if you have traveled less than 12,000 miles, you would go to the inspection station. The inspector would put a verification certificate on your window that you had traveled less than 12,000 miles, and for that service you would pay \$3. If you had traveled over 12,000 miles, then you would be required to have a full inspection.

Again I say, the purpose of this amendment is a compromise. Twice-a-year inspections penalize those, especially senior citizens, who travel very few miles per year. HB 562 will penalize those who do not take care of their cars and who do travel excessive miles, and the clause in the bill that says that motor carriers and buses still must be inspected twice a year, that is verification, I think, to my argument that this compromise is necessary and is fair, that the more miles traveled, the more apt you are to be in need of an inspection.

I ask for your "yes" vote on this amendment.

The SPEAKER. The Chair recognizes the gentleman from Berks, Mr. Davies, on the amendment offered by the gentleman, Mr. Gamble.

Mr. DAVIES. Thank you, Mr. Speaker.

Again, I would have to oppose the amendment, because on the face value it would increase the cost some \$3, and that money would be passed on to the department.

One of the genuine concerns has been whether or not, of course, the cost figures that were originally given are under dispute, and I do agree with that, because I have changed my opinion on it after we went through the hearing route and we had the thorough hearing route on it, that the savings to the consumer are not going to be anywhere near the original projections. That is simply because the wherewithal and the time frame that we are in and inflationary measures and the like taken into consideration, the market price is naturally going to go up. But there are going to be some instances where the inspection—and what I am talking about, I am talking about those who are not the lick'em-stick'em operators—is going to be more careful, and we hopefully are going to have a better system. No one can argue with the point that Mr. Gamble has made about the miles driven, and no one can argue the point that that is a necessity particularly when you are talking about certain terrain in this Commonwealth, because of the very terrain that we have in this Commonwealth. If we could write a perfect bill—and we all think we have from time to time, and I do not agree that we have perfection in this piece of legislation nor that we can get near the perfection that he is seeking with his 12,000-mile addition. The trouble is that what we are doing here is we are taking some of those who never have been and never will be the kind of legitimate and good inspection station people whom we want out there, and, hopefully, this legislation is going to be somewhat of a reme-

dial direction on that by upgrading the entire system when we go to the once-a-year.

As far as it answering the 12,000 miles—and I do not want to get into horror stories, because we did not just go to the public hearings—the information that I have received prior to even considering this legislation, and that is some of the horror stories of lick'em-stick'em, we have people here who can attest to that who are members of this body, where actually they have had evidence, hard evidence, that there have been places where, under the current system, there are abuses such as in a major construction site in this Commonwealth of an operator getting the license numbers and the description of the cars that are supposed to have the stickers put on them while they are sitting at the construction site, and that type of thing would be compounded, I think, by this particular type of amendment. That is the reason and one of the only reasons that I stand against it.

I say, if we could get to what we call perfection in legislation, we would take into consideration a whole lot of other factors. And the maker of the amendment is correct when he says that this is part of the evidence that we received in public hearings.

The other aspect of it, in addition to the lick'em-stick'em, that if we went to that and we went to any particular system that again involved the postal service or the delivery of that, we would never be able to get rid of the theft of these as far as planned theft of the disbursement of those, and that condition exists as well. Therefore, I would not only have trouble with that aspect of the lick'em-stick'em operation that does exist that we want to try to get at by going to this particular system in place and hopefully do it, and it is no panacea because there is no possible way that we can develop a system that is foolproof and is not going to get rid of, in part, either some of those who want to get around the law with the lick'em-stick'em or the particular theft and the resale of this type of inspection sticker or certified sticker as far as the odometer. It has not been beaten and it has not been proven, even with the Federal law currently, that there exists problems with this, and, again, I think we would be opening the door to having additional problems in which we are going to not only see that the department would get an additional \$3, where we are going to place that burden of 12,000 miles on some people who really do not need that type of an update and do take care of their cars. Those are the ones who are going to again have to suffer at the hands of additional rules and regulations, and I do not see that as what is part and parcel of the direction of this basic legislation. Thank you, Mr. Speaker.

The SPEAKER. The Chair recognizes the gentleman from Allegheny, Mr. Cowell.

Mr. COWELL. Thank you, Mr. Speaker.

Mr. Speaker, I rise to speak against the amendment which was offered by my colleague from Allegheny County, Mr. Gamble. I am sure that Mr. Gamble means well, but we have to keep in mind that the bottom line with his amendment would mean that the system would not change in Pennsylvania for probably most of our motorists or automobile owners.

Mr. Gamble has described HB 562 as going from one extreme to the other. Well, that is not accurate. HB 562 tries to take us from the unreasonable and the unnecessary to what has been proven to be adequate and reasonable and safe. And that is why we should not move away from HB 562 as it has been presented with his amendment.

Secondly, the example of the mass transit vehicles has been cited. We have to keep in mind that mass transit vehicles, first of all, travel in some cases hundreds of thousands of miles, not tens of thousands of miles annually. Secondly, because of the character of mass transit and school buses, there is a larger public responsibility there and usually there are public dollars there that will take care of those more frequent inspections. Now, with HB 562 and with the Gamble amendment, we are talking about the dollars the people are going to have to take out of their pockets to pay for whatever the requirements of State government might be. We also have to keep in mind, as I indicated earlier, that a 12,000-mile figure is going to really mean that most motorists in Pennsylvania are going to continue to live under the current system rather than that which has been proposed with HB 562.

And finally, this would add only insult to injury, I believe. If we ask somebody to spend \$3, really more than that, to spend money to take their car to a service station to have somebody tell them what they already know, that they did not drive 12,000 miles during the most recent period, that would be viewed by most of the motoring public as ludicrous and another ripoff, and I do not think we ought to contribute to that.

The SPEAKER. The Chair recognizes the gentleman from Cambria, Mr. Stewart.

Mr. STEWART. Thank you, Mr. Speaker.

I would just like to echo the comments of Representative Cowell. The message many of us got over the last couple years when we got involved in this issue polling our constituents was the unnecessary inconvenience of taking your vehicle in to get it inspected twice a year. Now with this amendment, we are asking them to be further inconvenienced by not only watching the calendar for the inspection period but also watching their odometer, and we are asking them to go into a service station and pay them \$3 to tell them, as Mr. Gamble said, something they already know. Further, it is going to inconvenience them because it is no secret that the service station dealers are not happy with this once-a-year inspection, and if you think they are going to be happy running out to everybody's car and looking at their odometer and filling out a form, I think you are living in a dream world.

This amendment is not going to take us to where we ought to be, and I urge its defeat.

The SPEAKER. The Chair recognizes the gentleman from Lehigh, Mr. Ritter.

Mr. RITTER. Mr. Speaker, would the gentleman, Mr. Gamble, consent to interrogation?

The SPEAKER. The gentleman indicates that he will. The gentleman, Mr. Ritter, may begin.

Mr. RITTER. Mr. Speaker, there are two parts to your amendment. One part, of course, would remove from the bill

the annual inspections and in effect stay with the twice-a-year inspections. Is that correct?

Mr. GAMBLE. That is right.

Mr. RITTER. Mr. Speaker, let me assume for a minute that your amendment is already into law, and I am due for an inspection of my automobile, and I drive into the service station and I have 11,500 miles on my vehicle since the last inspection. Now, the motor vehicle inspection station would look at that and he would put a certificate of inspection on my car. Is that correct?

Mr. GAMBLE. A verification that you have traveled under 12,000 miles.

Mr. RITTER. But, Mr. Speaker, your amendment does not say that. Your amendment says that I shall be then granted a currently valid certificate. Is that not a certificate of inspection?

Mr. GAMBLE. I refer to the last page of the bill that says, the department shall promulgate regulations which will initiate the implementation of this act no later than 1 year after enactment. Whether it is called an inspection sticker or a verification, it will be a verification that you have traveled under 12,000 miles and that you have followed the law in taking your car to the inspection station for that purpose or the purpose of an inspection, if indeed your mileage was over 12,000.

Mr. RITTER. All right. Mr. Speaker, the reason I am asking that is it is important, and let me give you another for instance. I drive 11,500 miles in 6 months. I do not have to have my vehicle inspected therefore, just have the guy look at the odometer and put a sticker on my car. Six months later I have only driven another 11,500 miles. Again I do not have to have my car inspected; I just have the man look at my odometer and put a sticker on my windshield to indicate that I have not driven 12,000 miles since the last inspection. Is that correct, Mr. Speaker?

Mr. GAMBLE. That is not correct. It is a total figure of 12,000 miles. Once you have made 12,000 miles or exceeded 12,000 miles, you start all over. You cannot go 11,900 every inspection period. It goes from 12,000-plus and then it starts at zero again until you have accumulated a total of 12,000. If it takes you two inspections, one inspection period, or whatever, once you have totaled 12,000 you start from zero.

Mr. RITTER. Mr. Speaker, I thank the gentleman. But again, my reading of the amendment says that if the vehicle has been driven in excess of 12,000 miles since its last inspection, it shall be reinspected. If the vehicle has been driven less than 12,000 miles, it need not be reinspected but shall be verified and recorded as to its mileage and granted a currently valid certificate. Now, the only currently valid certificate you can put on an automobile is the official inspection sticker, and my reading of this amendment means that if I drive less than 12,000 miles every 6 months ad infinitum, I could put 50,000 miles on my vehicle in 5 years and under this amendment I would not have to have my car inspected. I do not think that is the gentlemen's intention, but certainly the amendment reads that way, and I am not at this point prepared to allow the department, which has done a terrible job in interpreting what

we pass here, to interpret what we meant and then let them write rules and regulations to carry that out.

I think the amendment will do what I said it will. It will allow you to drive less than 12,000 miles every 6 months, so less than, in effect, 24,000 miles per year. You are going to eliminate an awful lot of people who will not have to have a safety inspection on their vehicle who drive less than 24,000 miles a year. I do not want to be a party to that, and I do not want to take a chance that that is what is going to happen, and so I am going to vote in the negative on the amendment.

The SPEAKER. The Chair recognizes the gentleman from Allegheny, Mr. Gamble, for the second time on the amendment.

Mr. GAMBLE. Mr. Speaker, in answer to the last speaker, the amendment says, "if the vehicle has been driven in excess of 12,000 miles since its last inspection,..." and that is exactly what I said a few moments ago, since its last inspection, not since its last verification that it was under 12,000, since its last inspection, so I believe the gentleman's fears are unwarranted.

Another speaker alluded to the fact that this was not going to make the garage owners and inspection station owners happy either. Well, this amendment was not designed to make the inspection station owners happy; this was an attempt at a fair compromise which I believe can honestly be administered.

As Mr. Davies said earlier, we cannot pass anything that is going to eliminate those who want to break the law. For those who want to tamper with the odometer, we have a law that covers that, a \$300 fine covered in the State statutes. So this is a fair compromise. I believe that we are going from one extreme to the other if we do not adopt it, and I ask your kind consideration. Thank you.

On the question recurring,
Will the House agree to the amendments?

The following roll call was recorded:

YEAS—23

Anderson	Clark	Horgos	Petrarca
Belardi	Cole	Hutchinson, A.	Serafini
Brown	Dawida	Micozzie	Sweet
Burd	Dombrowski	Miller	Trelio
Cawley	Gamble	Mrkonic	Wargo
Civera	Haluska	Noye	

NAYS—168

Armstrong	Freind	McIntyre	Seventy
Arty	Fryer	McMonagle	Showers
Barber	Gallagher	McVerry	Shupnik
Belfanti	Gallen	Mackowski	Sieminski
Beloff	Gannon	Madigan	Sirianni
Bittle	George	Maiale	Smith, B.
Blaum	Gladeck	Manderino	Smith, E. H.
Bowser	Grabowski	Manmiller	Smith, L. E.
Boyes	Greenfield	Marmion	Snyder
Brandt	Greenwood	Merry	Spencer
Burns	Grieco	Michlovic	Spitz
Caltagirone	Gruitza	Miscevich	Stairs
Cappabianca	Gruppo	Moehlmann	Steighner
Cessar	Hagarty	Morris	Stevens
Cimini	Harper	Mowery	Stewart
Clymer	Hasay	Mullen	Stuban
Cochran	Hayes	Murphy	Swaim
Cohen	Heiser	Nahill	Swift
Colafella	Hoeffel	O'Donnell	Taddonio
Cordisco	Honaman	Olasz	Taylor, E. Z.

Cornell	Hutchinson, W.	Oliver	Taylor, F. E.
Coslett	Itkin	Pendleton	Telek
Cowell	Jackson	Perzel	Tigue
Cunningham	Johnson	Peterson	Van Horne
DeMedio	Kanuck	Phillips	Vroon
DeVerter	Kennedy	Piccola	Wachob
DeWeese	Klingaman	Pievsky	Wambach
Daikeler	Kolter	Pistella	Wass
Davies	Kowalshyn	Pitts	Wenger
Deal	Kukovich	Pott	Weston
Dietz	Lashinger	Pratt	Wiggins
Dininni	Laughlin	Punt	Williams, J. D.
Donatucci	Lehr	Rappaport	Wilson
Dorr	Lescovitz	Rasco	Wogan
Duffy	Letterman	Reber	Wozniak
Durham	Levi	Richardson	Wright, D. R.
Evans	Levin	Rieger	Wright, J. L.
Fargo	Lewis	Ritter	Wright, R. C.
Fee	Livengood	Rocks	Zwkl
Fischer	Lloyd	Rybak	
Foster, W. W.	Lucyk	Salvatore	Ryan,
Foster, Jr., A.	McCall	Saurman	Speaker
Frazier	McClatchy		

NOT VOTING—5

Borski	Gray	Petrone	Williams, H.
Geist			

EXCUSED—6

Alden	Emerson	Irvis	Pucciarelli
Berson	Fleck		

The question was determined in the negative, and the amendments were not agreed to.

On the question recurring,

Will the House agree to the bill on third consideration as amended?

Mr. CLARK offered the following amendments No. A4877:

Amend Sec. 2 (Sec. 1306), page 2, line 17, by inserting after "presented."

Nothing herein shall authorize the department to require an auto emission inspection program.

Amend Sec. 3 (Sec. 1309), page 3, line 24, by inserting after "registration."

Nothing herein shall authorize the department to require an auto emission inspection program.

On the question,

Will the House agree to the amendments?

The SPEAKER. The Chair recognizes the gentleman from Allegheny, Mr. Clark.

Mr. CLARK. Mr. Speaker, there is language in this legislation which permits the department to promulgate regulations requiring inspections, which is intended to aid in implementing the once-a-year inspection. I do not feel comfortable with the wording of the promulgation permission, so I have drafted this legislation which will prohibit the department from using this authorization to implement an auto emission inspection program. I just want to make sure that the department does not take their authorization and proceed with it to try to implement the program again.

The SPEAKER. The Chair recognizes the gentleman from Berks, Mr. Davies.

Mr. DAVIES. Mr. Speaker, the amendment is agreed to.

On the question recurring,
Will the House agree to the amendments?

The following roll call was recorded:

YEAS—194

Anderson	Fee	Lloyd	Rybak
Armstrong	Fischer	Lucyk	Salvatore
Arty	Foster, W. W.	McCall	Saurman
Barber	Foster, Jr., A.	McClatchy	Serafini
Belardi	Frazier	McIntyre	Seventy
Belfanti	Freind	McMonagle	Showers
Beloff	Fryer	McVerry	Shupnik
Bittle	Gallagher	Mackowski	Sieminski
Blaum	Gallen	Madigan	Sirianni
Borski	Gamble	Maiale	Smith, B.
Bowser	Gannon	Manderino	Smith, E. H.
Boyes	Geist	Manmiller	Smith, L. E.
Brandt	George	Marmion	Snyder
Brown	Gladeck	Merry	Spencer
Burd	Grabowski	Michlovic	Spitz
Burns	Greenfield	Micozzie	Steighner
Caltagirone	Greenwood	Miller	Stevens
Cappabianca	Grieco	Miscevich	Stewart
Cawley	Gruitza	Moehlmann	Stuban
Cessar	Gruppo	Morris	Swaim
Cimini	Hagarty	Mowery	Sweet
Civera	Haluska	Mrkonic	Swift
Clark	Harper	Mullen	Taddonio
Clymer	Hasay	Murphy	Taylor, E. Z.
Cochran	Hayes	Nahill	Taylor, F. E.
Cohen	Heiser	Noye	Telek
Colafella	Hoefel	O'Donnell	Tigue
Cole	Honaman	Olasz	Trelo
Cordisco	Horgos	Oliver	Van Horne
Cornell	Hutchinson, A.	Pendleton	Vroon
Coslett	Hutchinson, W.	Perzel	Wachob
Cowell	Itkin	Peterson	Wambach
Cunningham	Jackson	Petrarca	Wargo
DeMedio	Johnson	Petrone	Wass
DeVerter	Kanuck	Philips	Wenger
DeWeese	Kennedy	Piccola	Weston
Daikeler	Klingaman	Pievsky	Wiggins
Davies	Kolter	Pistella	Williams, H.
Dawida	Kowalyszyn	Pitts	Williams, J. D.
Deal	Kukovich	Pott	Wilson
Dietz	Lashinger	Pratt	Wogan
Dininni	Laughlin	Punt	Wozniak
Dombrowski	Lehr	Rappaport	Wright, D. R.
Donatucci	Lescovitz	Rasco	Wright, J. L.
Dorr	Letterman	Reber	Wright, R. C.
Duffy	Levi	Richardson	Zwinkl
Durham	Levin	Rieger	
Evans	Lewis	Ritter	Ryan,
Fargo	Livengood	Rocks	Speaker

NAYS—0

NOT VOTING—2

Gray Stairs

EXCUSED—6

Alden	Emerson	Irvis	Pucciarelli
Berson	Fleck		

The question was determined in the affirmative, and the amendments were agreed to.

WELCOMES

The SPEAKER. The Chair is pleased to welcome to the hall of the House today as the guests of Representative Cowell of Allegheny County, Mrs. Mary Lou Weisner and Mrs. Pat Rodgers.

The Chair is pleased to welcome to the hall of the House today Louis Lucarelli, Catheryn Mickolay, and Helen Marazza, here today as the guests of the Westmoreland County delegation.

CONSIDERATION OF HB 562 CONTINUED

On the question recurring,
Will the House agree to the bill on third consideration as amended?

Mr. GEORGE offered the following amendments No. A4309:

Amend Bill, page 8, by inserting between lines 27 and 28 Section 9. Section 4723 of Title 75 is amended to read: § 4723. Certificate of appointment for inspecting fleet vehicles.

(a) Requirements.—The department may issue a certificate of appointment under the provisions of this chapter to any person who owns or leases 15 or more vehicles or mass transit vehicles and who meets the requirements of this chapter and regulations adopted by the department. The certificate of appointment may authorize inspection of only those vehicles or mass transit vehicles owned or leased by such person.

(b) Unannounced inspections.—

(1) The department shall at least once, but no more than four times a year, make unannounced inspections of vehicles inspected under this section.

(2) The department shall conduct these inspections using department personnel who are certified inspection mechanics or may hire certified inspection mechanics who are not employed by the owner of the fleet. Reports by the person doing the inspection shall be forwarded to the department and shall contain, but not be limited to, vehicles inspected, required inspection station equipment and condition of the fleet inspection station. Reports shall be made a part of the fleet inspection station's permanent record. The reasonable cost of these mandatory inspections shall be borne by the holder of the certificate of appointment.

(c) Suspensions.—For a first violation by inspection stations authorized pursuant to subsection (a), a one year suspension of appointment shall be imposed. Second violations shall result in a permanent suspension. Failure of inspection stations to permit inspections of their vehicles shall result in a permanent suspension of the certificate of appointment.

Amend Sec. 9, page 8, line 28, by striking out "9." and inserting

10.

Amend Sec. 10, page 9, line 28, by striking out "10." and inserting

11.

Amend Sec. 11, page 10, line 21, by striking out "11." and inserting

12.

Amend Sec. 12, page 11, line 15, by striking out "12." and inserting

13.

Amend Sec. 13, page 13, line 26, by striking out "13." and inserting

14.

Amend Sec. 14, page 14, line 20, by striking out "14." and inserting

15.

On the question,
Will the House agree to the amendments?

The SPEAKER. The Chair recognizes the gentleman from Clearfield, Mr. George.

Mr. GEORGE. Thank you, Mr. Speaker.

Mr. Speaker, I ask that of all the amendments that will be presented to you today on this bill, you pay special accord to this one, because I believe that when I thought we had the need of this, I was thinking in the same direction of you. If it would be at all possible—and I think with the passage of this bill that it probably will be, that the safety aspect that we are all concerned with will soon not be as viable and dissipate greatly—I believe that if that should be possible with the passage of this bill, then we had better look to this amendment. This amendment is just geared toward one important facet of the inspection system.

As most of you are already aware, a fleet or a trucking company or someone with several vehicles can within the law apply and receive a certified inspection certification, which means they can inspect their own vehicles. A while ago, we insisted on leaving the State Police in, and we were not going to put on any more people. I fear for the fact that every time you pick up a paper some truck ran away, someone was killed, and yet for some reason, each and every time and in most instances, there will be a bona fide regulated sticker on the window, and yet something happened. All this amendment suggests and insists upon is that four times a year the State Police go in and they inspect at random a vehicle that belongs to that fleet. If they wish, they can—and the law says they can do that now in any other inspection station—they can ask that a certified inspection mechanic be brought in to certify whether or not that specific and individual inspection was within the limit of the law. I believe that of all the amendments that are submitted to you today, this is the most important. I ask that you agree with it.

The SPEAKER. The Chair recognizes the gentleman from Berks, Mr. Davies.

Mr. DAVIES. Mr. Speaker, I would have to oppose the amendment on the basis now that as it exists, the department in cooperation with the enforcement agency can, of course, as much as it wants, enforce this. Rather than be required under the force of law or something here where we get into a matter of four times a year, where we would be asking that, I think we would be placing an undue burden upon the State Police as well as the department. In addition to that, I do not think our problem exists with the fleet, because the testimony that we received— And I must give credit to most of the fleet operators, including some of those who had expressed concerns at the hearing, that they do—since it is their livelihood and their lives and everything else and most of those came up through the industry—that they do take that responsibility that serious, and they do.

I know that the emotions run high when we have the type of accident that we had in the downtown Pittsburgh area. Again I think it was an out-of-State vehicle; I do not think it was an in-State vehicle. I think that we have had problems, of course, with out-of-State operators and individual operators. I do not think our problem is so much in-State and with those fleet operators, because they do take serious the business of inspec-

tion. They are putting on the line millions of dollars' worth of equipment. They are conscientious. For the most part, those who are not, I do not know whether we would even catch them at the four cracks a year of the unannounced inspection. I know that we are dealing with additional emotion in it, because somebody as learned as the maker of the amendment on this particular issue has insight into the industry some of us may not have had by his personal experience. But for the most part, I think that the hearings and the individual investigations and research that we have done on the bill do not bear out the need for this amendment, so, therefore, I would have to ask for a negative vote on the amendment. Thank you, Mr. Speaker.

The SPEAKER. The Chair recognizes the gentleman, Mr. George, for the second time on the question.

Mr. GEORGE. Mr. Speaker, may I interrogate the gentleman, Mr. Davies?

The SPEAKER. The gentleman, Mr. Davies, indicates he will stand for interrogation.

I would remind both gentlemen the purpose of interrogation is to solicit information or response to a question.

Mr. DAVIES. Yes, Mr. Speaker, I will, but the gentleman in submitting his question must admit to the conditions that I already said, and I am not challenging in any way his expertise on the subject.

Mr. GEORGE. A personal inquiry, Mr. Speaker.

The SPEAKER. The gentleman, Mr. George, is in order.

Mr. GEORGE. I would suppose, Mr. Speaker, and I should be flattered, that you implied that I might ask a question I already know the answer to? Is that what you meant?

The SPEAKER. The Chair was referring to the prior interrogation that took place between Mr. Davies and Mr. George, which contained, in the Speaker's opinion, far more opinion than question and answer.

Mr. GEORGE. Thank you very much.

Mr. Speaker, if you had a certified inspection garage, if you owned one or you were the proprietor, and I called the Pennsylvania State Police and insisted that the inspection was not within the conformance or the law, what could you do and what would be allowable under the law that the State Police could insist upon that your agency or your garage do? Do you know?

Mr. DAVIES. No, Mr. Speaker. I think you will have to take me through that as far as I do not want to say yes without my being 100 percent sure, so I would rather you take me through what I would really have to do so that I do not err or leave anything unsaid that you may insert as a correction.

Mr. GEORGE. Mr. Speaker, I apologize, and I can guarantee you that I am not going to ask you a question that might impugn, but I think what we are dealing with today is you stood there a moment ago and you dealt with percentages. Now, the family that gets maimed by a runaway truck, you give them the percentages. I ask you if you know what happens if I should suggest or inform the State Police that your inspection agency was improper within the delegation of their performance to inspect my car. That is all I ask you.

Mr. DAVIES. Mr. Speaker, my understanding is it is in the purview of the enforcement agency now, of course, at any time with due reason or without due reason to look at and inspect those particular vehicles regardless of what their use is, if that is the inference, whether it is the open road or the matter of fact that it is on the confines of private property. I do not know whether that is correct or not, but that is my understanding of the current rules and regulations and enforcement powers that exist.

The SPEAKER. Has the gentleman concluded his interrogation?

Mr. GEORGE. No, sir.

The SPEAKER. The gentleman may proceed.

Mr. GEORGE. But, Mr. Speaker, are you aware that if you had been blamed, even wrongly, for an improper inspection, the State Police could take that vehicle and assign it to another inspection garage, and they must put it up in the air to check out the accusation? Are you aware of that?

Mr. DAVIES. Yes. I think that is also in the purview—

Mr. GEORGE. Would you accept an amendment to do away with that, that you feel that that is not necessary, that that is no control? If I go up now and get an amendment to this bill that we should not have that control, would you accept that as an amendment?

Mr. DAVIES. No, Mr. Speaker, I would not on face value, unless with your guidance or direction there is something there that I lack understanding on. Currently, I would have to agree with that.

Mr. GEORGE. Well, then why, Mr. Speaker, if you are not entirely concerned about a 3,900-pound automobile, would you suggest to this membership, who do not know any more about the inspection law than I do, that you want 80,000 pounds running up and down the road? And there might be just that one small percentage that I have heard you mention many times on this floor—

The SPEAKER. The gentleman will yield.

It is the opinion of the Chair that the gentleman at this time is arguing his case rather than interrogating under the rules of interrogation. The gentleman will please ask questions or give answers as the case may be and save argument for the proper time.

The gentleman may proceed.

Mr. GEORGE. Mr. Speaker, are you qualified to tell me the tolerance and specifications on a truck front axle lining of 3 1/2 by 10 1/2 inches, and do you know what will happen if the new bill passes? Do you know what those tolerances are?

Mr. DAVIES. No, Mr. Speaker, but my understanding is that it is not going to be any lesser than now. As far as our hearings and as far as my own personal input into it, I have failed to see the need for those additional standards, if you are making inference to those, or changes on the same because of merely what I get from the purported experts.

Mr. GEORGE. But, Mr. Speaker, would you agree or disagree that if your bill becomes law today, the allowance or the tolerance on the lining will have to be upgraded? In other words, because of the fact that the truck must go twice as long or twice as far or twice the distance in order to protect the motorist on the highway, the tolerance must be upgraded?

Mr. DAVIES. No, Mr. Speaker. We are going to retain the inspection as it stands, and we are not including those trucks that you quoted as far as the weight. Therefore, I do not share your concern with it, because I think with that which has been in place, the hearings brought forth the fact that we are not going to have what you consider to be that additional need for this type of enforcement. They are not included in it, because the breakoff point is the 17,000-pound vehicle.

The SPEAKER. The gentleman will yield.

The Chair has been lenient. The amendment before the House is the George amendment 4309, which, in the Chair's opinion, deals with unannounced—

Mr. DAVIES. I am sorry, Mr. Speaker, I missed the question. Would you repeat the question, Mr. Speaker?

The SPEAKER. The gentleman will yield.

The questions are varying, in the Chair's opinion, from the subject matter of the amendment, which deals with unannounced inspections of vehicles which have been inspected under this section. Will the gentlemen confine their interrogation and their remarks to the amendment?

Mr. GEORGE. Mr. Speaker, may I address this amendment for the second and final time then? I am through with my interrogation.

The SPEAKER. The gentleman is in order and may proceed on the question of the amendment A4309.

Mr. GEORGE. I feel that the interrogation we just had with our colleague was quite helpful. He said that the Department of Transportation at this time insists, when you go in to have your car or truck inspected, that the lining on the front end should be so thick or the tires on the unit should be so thick. In other words, there must be at least so much life left in either one of those components so as not to directly cause an accident. Yet, with the passage of the legislation, the department—and I do not blame it on the sponsor of the amendment—is saying, hey, we are not going to jack this up. Do you know why they are saying that? Because they know what is going to happen when they do. You are going to be throwing a lot of good parts away if they change the tolerance.

In conclusion, I suggest to you that I do not believe that all inspection stations are improper—it would be wrong for me to do so—and I do not believe that all business people are less than honorable, but I know we are not talking about 2 percent or 1 percent or a half a percent when we are talking about large trucks. There should be a margin of safety beyond and beyond and beyond an automobile. I have a highway near my area where no matter how finely the automobiles and the motor trucks are inspected, they will run away because of the length of the hill.

I believe this is most important. This is not for the legitimate. This amendment is not for those who are understanding and concerned. This amendment is to save lives. The judgment need be yours. Thank you very much.

On the question recurring,

Will the House agree to the amendments?

The following roll call was recorded:

YEAS—84

Barber	Duffy	Livengood	Seventy
Belardi	Evans	Lloyd	Showers
Belfanti	Fee	McIntyre	Shupnik
Beloff	Foster, Jr., A.	McMonagle	Steighner
Blaum	Fryer	Michlovic	Stevens
Borski	Gallagher	Miscevich	Stewart
Brown	George	Mrkonic	Swaim
Burns	Grabowski	Mullen	Sweet
Caltagirone	Greenfield	Murphy	Swift
Cappabianca	Gruitza	O'Donnell	Taylor, F. E.
Cawley	Haluska	Olasz	Tigue
Clark	Harper	Oliver	Trello
Colafrilla	Horgos	Pendleton	Wachob
Cole	Hutchinson, A.	Petrarca	Wambach
Cordisco	Itkin	Petrone	Wargo
Cowell	Jackson	Pievsky	Wiggins
DeWeese	Kolter	Pistella	Williams, H.
Dawida	Kukovich	Richardson	Williams, J. D.
Deal	Laughlin	Rieger	Wilson
Dombrowski	Lescovitz	Ritter	Wright, D. R.
Donatucci	Levin	Serafini	Zwikl

NAYS—104

Anderson	Frazier	Lucyk	Rybak
Armstrong	Freind	McCall	Saurman
Arty	Gallen	McClatchy	Sieminski
Bittle	Gamble	McVerry	Sirianni
Bowser	Gannon	Mackowski	Smith, B.
Boyes	Geist	Madigan	Smith, E. H.
Brandt	Gladeck	Manmiller	Smith, L. E.
Burd	Greenwood	Marmion	Snyder
Cessar	Grieco	Merry	Spencer
Cimini	Gruppo	Micozzie	Spitz
Civera	Hagarty	Miller	Stairs
Clymer	Hasay	Moehlmann	Stuban
Cochran	Hayes	Morris	Taddonio
Cornell	Heiser	Mowery	Taylor, E. Z.
Coslett	Hoeffel	Nahill	Telek
Cunningham	Honaman	Noye	Vroon
DeMedio	Hutchinson, W.	Perzel	Wass
DeVertter	Johnson	Peterson	Wenger
Daikeler	Kanuck	Phillips	Weston
Davies	Kennedy	Piccola	Wogan
Dietz	Klingaman	Pitts	Wozniak
Dininni	Kowalshyn	Pott	Wright, J. L.
Dorr	Lashinger	Punt	Wright, R. C.
Durham	Lehr	Rasco	
Fargo	Letterman	Reber	Ryan,
Fischer	Levi	Rocks	Speaker
Foster, W. W.	Lewis		

NOT VOTING—8

Cohen	Maiale	Pratt	Salvatore
Gray	Manderino	Rappaport	Van Horne

EXCUSED—6

Alden	Emerson	Irvic	Pucciarelli
Berson	Fleck		

The question was determined in the negative, and the amendments were not agreed to.

On the question recurring,

Will the House agree to the bill on third consideration as amended?

Mr. GEORGE offered the following amendments No. A4876:

Amend Sec. 10 (Sec. 4726), page 10, line 11, by inserting a bracket before "by"

Amend Sec. 10 (Sec. 4726), page 10, line 12, by inserting a bracket after "would"

Amend Sec. 10 (Sec. 4726), page 10, line 12, by inserting after "impair"

or inhibit

Amend Sec. 10, (Sec. 4726), page 10, line 17, by inserting after "Commonwealth"

nor shall the regulations require the mechanic to have a valid Pennsylvania driver's license

On the question,

Will the House agree to the amendments?

The SPEAKER. The Chair recognizes the gentleman from Clearfield, Mr. George.

Mr. GEORGE. Thank you, Mr. Speaker.

Mr. Speaker, this amendment, I think, maybe is more compassion than anything else, but I ask that you listen to it.

Under the present law, before an individual can become an inspection mechanic, he must be a certified licensed operator on the highways of Pennsylvania and have with him at all times and in his possession a valid operator's license. I feel that at one time when the inspection laws were not adequate, this may have served well, but I think today it does harm, and again, only to a very small percentage.

I give you an example: If I were to have a fine individual employed by me or you in your inspection garages and the man should suffer a heart ailment or a heart attack and he should lose his license—that certainly may have been because maybe he lost the use of his arm or was paralyzed in his leg—it may not have affected his integrity or his mind, but because he loses that operator's license, he must also lose his right to inspect. Now, the law does not insist, as some of those fellows might ask, that he road-test. The law just insists that the car be road tested. I ask that we take into consideration whatever the cause is. There are many people who go down the highways in Pennsylvania and they might rob a gas station, but they do not lose their operator's license, or they might rob or knock over some older person, and they do not lose their driver's license. If they did, it would not make any difference. But here is a case where if an individual loses his operator's license, he loses his job, and that does not have a thing to do with whether he can perform and perform within the law. I ask that you allow these people to keep on working.

The SPEAKER. The Chair recognizes the gentleman from Berks, Mr. Davies.

Mr. DAVIES. Mr. Speaker, I would have to agree with the maker of the amendment. There are certain circumstances, of which he has quoted a few, where this could exist.

Mr. Speaker, in speaking to the maker of the amendment previously about the amendment, I saw and understood that it would be possible under current conditions that we would have been able to allow this to exist for those who did have certain physical conditions or defects. I have been informed since that particular time that this is not possible now and that under existing conditions, the person who does inspect that vehicle now is the person who must road-test that particular vehicle.

If I could have just 10 seconds to speak to the maker of the amendment about some misunderstandings on that formal regulation, I would ask the indulgence of the Chair.

The SPEAKER. Is the gentleman asking to interrogate—
 Mr. DAVIES. No; I am asking for just 10 seconds to speak to the maker of the amendment.

The SPEAKER. The House will be at ease.
 The House will come to order.

The Chair recognizes the gentleman, Mr. Davies.

Mr. DAVIES. Mr. Speaker, again we are at the same loggerheads as we were before in the interpretation and without that clarity or understanding. I am in sympathy with Mr. George's amendment, so, therefore, I will support the amendment. But again I will have to say that unless we do get clarity by regulation, and there is no other existing loophole that I cannot foresee now that could occur because of the passage of this amendment, I am going to say that I do support it, but I do see that there is a problem with existing law in certain aspects of this that we are definitely going to have to look at in the committee process and as far as a review with the department. Thank you, Mr. Speaker.

The SPEAKER. The Chair recognizes the gentleman from Clearfield, Mr. George.

Mr. GEORGE. Mr. Speaker, I think my fine colleague erred. The word is not existing "law" but existing "regulations," and the sheet we looked at said nothing, absolutely nothing whatsoever, that an individual who would lose his license should be restricted and not be able. All it said is that an individual must have a certified mechanic inspection license to affix the sticker. That is all we want to do. We want to allow an individual, especially one who was sick and came back to work, to be able to hold his job. Many small garages cannot hire the second man while another individual is recuperating. All the regulations insist upon— Mr. Dininni knows it; we just read it. If you do not want to help this person, then vote "no." I insist we can do it. I insist that we the legislature should mandate it. It is up to you whether you want to accept what is right or whether you want to accept what the department tells you.

The SPEAKER. The Chair recognizes the gentleman from Dauphin, Mr. Dininni.

Mr. DININNI. Mr. Speaker, I was not going to speak on this issue, but since my name was raised here with the previous speaker, I am compelled to tell the truth here. He read the regulation the same as I. It goes a little further than what he said here on the floor. It also says in the regulations that the man affixing that sticker, who is the mechanic, shall road-test that car, and I suggest that the gentleman who offered the amendment, if he wants to do it, do it right, do it in another manner, but certainly he is wrong on that part of it.

On the question recurring,
 Will the House agree to the amendments?

The following roll call was recorded:

YEAS—92

Barber	Duffy	McCall	Serafini
Belfanti	Fee	McIntyre	Seventy
Beloff	Fryer	McMonagle	Showers
Blaum	Gallagher	Maiale	Shupnik
Borski	Gamble	Manderino	Stairs
Bowser	George	Michlovic	Steighner
Brown	Grabowski	Miscevich	Stewart
Caltagirone	Greenfield	Morris	Stuban

Cappabianca	Gruitza	Mrkonic	Swaim
Cawley	Haluska	Mullen	Sweet
Clark	Harper	Murphy	Taylor, F. E.
Cohen	Hoeffel	O'Donnell	Tigue
Colafella	Horgos	Olasz	Trello
Cole	Hutchinson, A.	Oliver	Van Horne
Cordisco	Itkin	Pendleton	Wachob
Cowell	Kolter	Petrarca	Wargo
DeMedio	Kukovich	Petrone	Wass
DeWeese	Laughlin	Pievsky	Wiggins
Davies	Lescovitz	Pistella	Williams, H.
Dawida	Letterman	Pratt	Williams, J. D.
Deal	Levin	Rappaport	Wozniak
Dombrowski	Livengood	Richardson	Wright, D. R.
Donatucci	Lucyk	Rieger	Zwikl

NAYS—102

Anderson	Foster, Jr., A.	Lloyd	Salvatore
Armstrong	Frazier	McClatchy	Saurman
Arty	Freind	McVerry	Sieminski
Belardi	Gallen	Mackowski	Sirianni
Bittle	Gannon	Madigan	Smith, B.
Boyes	Geist	Manmiller	Smith, E. H.
Brandt	Gladeck	Marmion	Smith, L. E.
Burd	Greenwood	Merry	Snyder
Burns	Grieco	Micozzie	Spencer
Cessar	Gruppo	Miller	Spitz
Cimini	Hagarty	Moehlmann	Stevens
Civera	Hasay	Mowery	Swift
Clymer	Hayes	Nahill	Taddonio
Cochran	Heiser	Noye	Taylor, E. Z.
Cornell	Honaman	Perzel	Telek
Coslett	Hutchinson, W.	Peterson	Vroon
Cunningham	Jackson	Phillips	Wambach
DeVerter	Johnson	Piccola	Wenger
Daikeler	Kanuck	Pitts	Weston
Dietz	Kennedy	Pott	Wilson
Dininni	Klingaman	Punt	Wogan
Dorr	Kowalyshyn	Rasco	Wright, J. L.
Durham	Lashinger	Reber	Wright, R. C.
Fargo	Lehr	Ritter	
Fischer	Levi	Rocks	Ryan,
Foster, W. W.	Lewis	Rybak	Speaker

NOT VOTING—2

Evans	Gray
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EXCUSED—6

Alden	Emerson	Irvis	Pucciarelli
Berson	Fleck		

The question was determined in the negative, and the amendments were not agreed to.

On the question recurring,

Will the House agree to the bill on third consideration as amended?

Mr. MURPHY offered the following amendment No. A4554:

Amend Sec. 11 (Sec. 4727), page 11, by inserting between lines 14 and 15

(c) Limitation of fee.—No official inspection station shall charge more than \$15 to inspect any vehicle.

On the question,

Will the House agree to the amendment?

The SPEAKER. The Chair recognizes the gentleman from Allegheny, Mr. Murphy.

Mr. MURPHY. Thank you, Mr. Speaker.

My amendment places a maximum charge of \$15 on any service station to inspect a vehicle. That is a maximum charge; that is not a mandatory charge.

The reason I have put this amendment into the bill, or hope to, is to avoid a lot of confusion that often happens when somebody takes their car to an inspection station. I am sure all of you have been asked the same question I have in the past, and that is, why does the State charge \$10 or \$20 or \$30 for inspection, when in fact all we charge is \$1? I think it is important that we make clear that our charge is only \$1, that whatever the service station wants to charge over and above that is up to them, and that what the State will do is put a maximum amount of \$15 on that inspection. That maximum is generally, in a survey I have done of local service stations, more than sufficient to include most of the reputable service stations within the amount of money they now charge for the inspection. There are those service stations, unscrupulous people though, that do charge \$20 and \$30.

I believe this is a good consumer-protection item to protect people from being overcharged for an inspection. Thank you.

The SPEAKER. The Chair recognizes the gentleman from Luzerne, Mr. Stevens.

Mr. STEVENS. Mr. Speaker, I oppose this amendment. Basically what it is doing is telling the service stations that they can charge \$15. I think you should let free enterprise take its toll here and let the station owners charge what they feel they should charge.

But I think more importantly, those of us who oppose the bill itself see that there are hidden charges to the motorists, and this amendment recognizes that there are going to be hidden charges to the motorists. For that reason I can sympathize with the maker of it, the reasons for it; however, I do not think it is a good amendment on its face, and I ask that we vote it down. Thank you.

The SPEAKER. The Chair recognizes the gentleman from Cambria, Mr. Stewart.

Mr. STEWART. Thank you, Mr. Speaker.

Would the maker of the amendment stand for interrogation?

The SPEAKER. The gentleman, Mr. Murphy, indicates he will stand for interrogation. The gentleman, Mr. Stewart, may begin.

Mr. STEWART. Mr. Speaker, am I to understand that you said that this \$15 will include the fee charged by the department?

Mr. MURPHY. Mr. Speaker, yes. My intent is that this would be the total charge for inspection. It could be no more than that, pass or fail.

Mr. STEWART. Including whatever the department ends up charging for it as a fee?

Mr. MURPHY. Yes.

Mr. STEWART. Thank you, Mr. Speaker.

The SPEAKER. The Chair recognizes the gentleman from Berks, Mr. Davies.

Mr. DAVIES. Mr. Speaker, again, I think the testimony that we had in various segments of the State will bear out that the market is going to find its level, that we have not gone

afield and tried to regulate prices up until this time. I do not think that we are going to have to now, because I think that those guys who are really out there doing the job—and many of those, of course, have expressed their concerns about the legislation basically—will continue to do a job and not raise any prices beyond what the tariff will bear or what the market will bear. I think that that is of concern, and I do not think that we can start dictating what the price is going to be in Philadelphia or Pittsburgh where labor costs and so forth may be much higher than what they are in “Podunk” or “Doodle Doosey” or “West Cupcake.” I do not think that that is a question that this House is about to decide and start to dictate by legislation. I think that the market is going to find its place, that the better inspection station is going to survive and he is going to give better service than ever before. So, therefore, I would have to oppose the amendment.

The SPEAKER. The Chair recognizes the gentleman from Allegheny, Mr. Grabowski.

Mr. GRABOWSKI. I would like to interrogate Representative Murphy.

The SPEAKER. The gentleman, Mr. Murphy, indicates he will stand for interrogation. The gentleman may proceed.

Mr. GRABOWSKI. Mr. Speaker, could you tell me what types of vehicles you intend to include in this amendment?

Mr. MURPHY. Mr. Speaker, it would be the same types of vehicles that are covered by HB 562.

Mr. GRABOWSKI. Is it your intent to cover all types of vehicles with your amendment?

Mr. MURPHY. Vehicles that would be eligible for the once-a-year inspection would be covered by this amendment. It would be automobiles. The vehicles that are exempt from HB 562 would not be covered by this amendment.

Mr. GRABOWSKI. I am not sure if trucks are covered in your amendment or not. That is what I am trying to get at.

Mr. MURPHY. Trucks that are used primarily by individuals and not by companies are covered under the bill, and they would qualify for the \$15 maximum. Okay? Trucks that are commercial vehicles are not covered by HB 562 and therefore would not be covered by the \$15.

Mr. GRABOWSKI. I have concluded my interrogation, Mr. Speaker.

The SPEAKER. The Chair recognizes the gentleman from Allegheny, Mr. Murphy.

Mr. MURPHY. Thank you, Mr. Speaker.

Very briefly, to clarify some points I think are erroneous that people have raised, this is not setting the fee at \$15; this is setting a maximum.

One of the real concerns I have with this existing legislation is that when we go from twice-a-year to once-a-year inspections, where now garages are charging \$7 or \$8 for a twice-a-year inspection twice a year, so they are getting \$15 or \$16 a year for inspections, that many of them will be tempted to double their fees essentially to do the job only once though, and I want to avoid that. That is a real concern. I have had a number of service station mechanics mention to me that they would consider doing that since they are only going to be inspecting once a year. I do not think any of us want to see that

happen where a service station will double their fees because they are only inspecting once rather than twice. This amendment will avoid that situation. Further, it continues to let the free market operate by setting only a maximum, not a minimum, so that anybody can undercharge his competitor down the street so that the market will continue to set its own level. But this will assure that we do not see a doubling of fees because we are going to once-a-year inspections. Thank you.

On the question recurring,
Will the House agree to the amendment?

The following roll call was recorded:

YEAS—41

Belfanti	Grabowski	Morris	Spitz
Blaum	Harper	Mrkonic	Stewart
Brown	Hoeffel	Murphy	Swaim
Caltagirone	Horgos	O'Donnell	Sweet
Cohen	Itkin	Pendleton	Van Horne
Cowell	Kowalyshyn	Petrone	Wachob
Dawida	Lescovitz	Pievsky	Wambach
Dombrowski	Letterman	Rasco	Williams, H.
Durham	Manderino	Rybak	Williams, J. D.
Evans	Michlovic	Seventy	Wright, D. R.
Fischer			

NAYS—151

Anderson	Foster, W. W.	Lloyd	Rocks
Armstrong	Foster, Jr., A.	Lucyk	Salvatore
Arty	Frazier	McCall	Saurman
Barber	Freind	McClatchy	Serafini
Belardi	Fryer	McIntyre	Showers
Beloff	Gallagher	McMonagle	Shupnik
Bittle	Gallen	McVerry	Sieminski
Bowser	Gamble	Mackowski	Sirianni
Boyes	Gannon	Madigan	Smith, B.
Brandt	Geist	Maiale	Smith, E. H.
Burd	George	Manmiller	Smith, L. E.
Burns	Gladeck	Marmion	Snyder
Cappabianca	Greenfield	Merry	Spencer
Cawley	Greenwood	Micozzie	Stairs
Cessar	Grieco	Miller	Steighner
Cimini	Gruitza	Miscevich	Stevens
Civera	Gruppo	Moehlmann	Stuban
Clark	Hagarty	Mowery	Swift
Clymer	Haluska	Mullen	Taddonio
Cochran	Hasay	Nahill	Taylor, F. E.
Colafella	Hayes	Noye	Telek
Cole	Heiser	Olasz	Tigue
Cordisco	Honaman	Oliver	Trello
Cornell	Hutchinson, A.	Perzel	Vroon
Coslett	Jackson	Peterson	Wargo
Cunningham	Johnson	Petrarca	Wass
DeMedio	Kanuck	Phillips	Wenger
DeVerter	Kennedy	Piccola	Weston
DeWeese	Klingaman	Pistella	Wiggins
Daikeler	Kolter	Pitts	Wilson
Davies	Kukovich	Pott	Wogan
Deal	Lashinger	Pratt	Wozniak
Dietz	Laughlin	Punt	Wright, J. L.
Dininni	Lehr	Rappaport	Wright, R. C.
Donatucci	Levi	Reber	Zwikel
Dorr	Levin	Richardson	
Duffy	Lewis	Rieger	Ryan,
Fargo	Livengood	Ritter	Speaker
Fee			

NOT VOTING—4

Borski	Gray	Hutchinson, W.	Taylor, E. Z.
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EXCUSED—6

Alden Berson	Emerson Fleck	Irvis	Pucciarelli
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The question was determined in the negative, and the amendment was not agreed to.

On the question recurring,
Will the House agree to the bill on third consideration as amended?

Mr. DOMBROWSKI offered the following amendment No. A4878:

Amend Sec. 11 (Sec. 4727), page 11, by inserting between lines 14 and 15

(c) Limitation on additional fees.—No additional fee shall be assessed by any inspection station upon the owner of a vehicle which initially fails an inspection if that vehicle is returned to the same inspection station within 72 hours of the inspection failure and passes the inspection.

On the question,
Will the House agree to the amendment?

The SPEAKER. The Chair recognizes the gentleman from Erie, Mr. Dombrowski.

Mr. DOMBROWSKI. Thank you, Mr. Speaker.

All this amendment will do, currently the law says that if your vehicle fails an inspection and you take it off the premises, when you bring it back, you must pay for a reinspection.

This says that if the items that were wrong with your vehicle were corrected, the garage owner must put an inspection sticker on the vehicle without charging again. Thank you.

The SPEAKER. The Chair recognizes the gentleman from Berks, Mr. Davies.

Mr. DAVIES. Again, Mr. Speaker, I would have to oppose this, because essentially what we are dictating to the industry is that if they have found fault and there is that question of reinspection, again we are putting an undue financial burden upon them because it does have those labor costs and those things that are inherent with that reinspection. I would ask for a negative vote on the amendment. Thank you, Mr. Speaker.

On the question recurring,
Will the House agree to the amendment?

The following roll call was recorded:

YEAS—79

Belardi	Fryer	Maiale	Showers
Belfanti	Gallagher	Michlovic	Shupnik
Blaum	Gamble	Miscevich	Stewart
Borski	George	Morris	Stuban
Brown	Grabowski	Mrkonic	Swaim
Caltagirone	Greenfield	Mullen	Sweet
Cappabianca	Gruitza	O'Donnell	Taylor, F. E.
Cawley	Hoeffel	Olasz	Trello
Clark	Horgos	Pendleton	Wachob
Cohen	Hutchinson, A.	Peterson	Wambach
Colafella	Itkin	Petrarca	Wargo
Cole	Kolter	Petrone	Wass
Coslett	Kukovich	Pievsky	Williams, H.
Cowell	Laughlin	Pistella	Williams, J. D.
Dawida	Lescovitz	Pitts	Wilson
Dombrowski	Letterman	Pratt	Wozniak
Donatucci	Livengood	Rappaport	Wright, D. R.
Duffy	Lucyk	Ritter	Wright, J. L.
Evans	McCall	Serafini	Zwikel

Fee	McMonagle	Seventy	
		NAYS—113	
Anderson	Fischer	Lewis	Rybak
Armstrong	Foster, W. W.	Lloyd	Salvatore
Arty	Foster, Jr., A.	McClatchy	Saurman
Barber	Frazier	McIntyre	Sieminski
Beloff	Freind	McVerry	Sirianni
Bittle	Gallen	Mackowski	Smith, B.
Bowser	Gannon	Madigan	Smith, E. H.
Boyes	Geist	Manderino	Smith, L. E.
Brandt	Gladeck	Manmiller	Snyder
Burd	Greenwood	Marmion	Spencer
Burns	Grieco	Merry	Spitz
Cessar	Gruppo	Micozzie	Stairs
Cimini	Hagarty	Miller	Steighner
Civera	Haluska	Moehlmann	Stevens
Clymer	Harper	Mowery	Swift
Cochran	Hasay	Murphy	Taddonio
Cornell	Hayes	Nahill	Taylor, E. Z.
Cunningham	Heiser	Noye	Telek
DeMedio	Honaman	Oliver	Tigue
DeVerter	Jackson	Perzel	Van Horne
DeWeese	Johnson	Phillips	Vroon
Daikeler	Kanuck	Piccola	Wenger
Davies	Kennedy	Pott	Wiggins
Deal	Klingaman	Punt	Wogan
Dietz	Kowalshyn	Rasco	Wright, R. C.
Dininni	Lashingner	Reber	
Dorr	Lehr	Richardson	Ryan,
Durham	Levi	Rieger	Speaker
Fargo	Levin	Rocks	

NOT VOTING—4

Cordisco	Gray	Hutchinson, W.	Weston
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EXCUSED—6

Alden	Emerson	Irvis	Pucciarelli
Berson	Fleck		

The question was determined in the negative, and the amendment was not agreed to.

On the question recurring,

Will the House agree to the bill on third consideration as amended?

Bill as amended was agreed to.

The SPEAKER. This bill has been considered on three different days and agreed to and is now on final passage.

The question is, shall the bill pass finally?

Agreeable to the provisions of the Constitution, the yeas and nays will now be taken.

YEAS—181

Armstrong	Fischer	Lucyk	Rybak
Arty	Foster, W. W.	McCall	Saurman
Barber	Foster, Jr., A.	McClatchy	Serafini
Belardi	Frazier	McIntyre	Seventy
Belfanti	Freind	McMonagle	Showers
Beloff	Fryer	McVerry	Sieminski
Bittle	Gallagher	Mackowski	Sirianni
Blaum	Gamble	Madigan	Smith, B.
Borski	Gannon	Maiale	Smith, E. H.
Bowser	Geist	Manderino	Smith, L. E.
Boyes	Gladeck	Manmiller	Snyder
Brandt	Grabowski	Marmion	Spencer
Brown	Greenfield	Merry	Spitz
Burns	Greenwood	Michlovic	Stairs
Cappabianca	Grieco	Micozzie	Steighner
Cessar	Gruitza	Miller	Stewart
Cimini	Gruppo	Miscevich	Stuban
Civera	Hagarty	Moehlmann	Swaim
Clark	Haluska	Morris	Sweet

Clymer	Harper	Mowery	Swift
Cochran	Hasay	Mrkonc	Taddonio
Cohen	Hayes	Mullen	Taylor, E. Z.
Colafella	Heiser	Murphy	Taylor, F. E.
Cole	Hoeffel	Nahill	Telek
Cordisco	Honaman	Noye	Tigue
Cornell	Horgos	O'Donnell	Trello
Coslett	Hutchinson, A.	Olasz	Van Horne
Cowell	Hutchinson, W.	Oliver	Vroon
Cunningham	Itkin	Pendleton	Wambach
DeMedio	Jackson	Perzel	Wass
DeVerter	Johnson	Peterson	Wenger
DeWeese	Kanuck	Petrone	Weston
Daikeler	Kennedy	Phillips	Wiggins
Davies	Klingaman	Piccola	Williams, H.
Dawida	Kolter	Pievsky	Williams, J. D.
Deal	Kowalshyn	Pistella	Wilson
Dietz	Kukovich	Pitts	Wogan
Dininni	Lashingner	Pott	Wozniak
Dombrowski	Laughlin	Pratt	Wright, D. R.
Donatucci	Lehr	Punt	Wright, J. L.
Dorr	Lescovitz	Rasco	Wright, R. C.
Duffy	Letterman	Reber	Zwinkl
Durham	Levi	Richardson	
Evans	Levin	Rieger	Ryan,
Fargo	Lewis	Ritter	Speaker
Fee	Lloyd	Rocks	

NAYS—14

Anderson	Gallen	Rappaport	Stevens
Burd	George	Salvatore	Wachob
Caltagirone	Livengood	Shupnik	Wargo
Cawley	Petrarca		

NOT VOTING—1

Gray

EXCUSED—6

Alden	Emerson	Irvis	Pucciarelli
Berson	Fleck		

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the clerk present the same to the Senate for concurrence.

STATEMENT SUBMITTED FOR THE RECORD

The SPEAKER. The Chair recognizes the gentleman from Philadelphia, Mr. Cohen.

Mr. COHEN. Mr. Speaker, I have a statement for the record.

The SPEAKER. The gentleman will send his statement to the desk.

Mr. COHEN submitted the following statement for the Legislative Journal:

Mr. Speaker, because of a prior commitment to speak to Senior Citizens at St. Paul's Lutheran Church, I will not be able to be back in Harrisburg tomorrow.

It is possible that the Freind-Cunningham restrictions on abortion may be called up for a vote tomorrow. I wish the record to show that, if I were present, I would vote in the affirmative in favor of the amendments, and in favor of the bills on final passage.

It is also possible that the statewide banking bill will come up for a vote. Were I able to be present, I would vote in the affirmative.

ANNOUNCEMENT BY MR. PITTS

The SPEAKER. For what purpose does the gentleman from Chester, Mr. Pitts, rise?

Mr. PITTS. To make an announcement.

The SPEAKER. The gentleman may proceed.

Mr. PITTS. Mr. Speaker, in the mail of the members today is a copy of the House Journal of October 19. I would just like to remind the members that in this copy are the proceedings of the tercentenary ceremony held in the rotunda. You may wish to keep this. If you do not wish the copy, please send the copy to my office, as there have been a number of requests for copies of the proceedings. Thank you.

APPROPRIATIONS COMMITTEE MEETING

The SPEAKER. The Chair recognizes the gentleman from Montgomery, Mr. McClatchy.

Mr. McCLATCHY. Mr. Speaker, I would like to call a meeting of the Appropriations Committee off the floor of the House at recess.

REMARKS ON VOTE

The SPEAKER. The Chair recognizes the lady from Delaware, Mrs. Arty.

Mrs. ARTY. Mr. Speaker, in the copy of the House Journal of Monday, November 16, I note that I am recorded as having voted "no" on SB 108. I assume that my switch was malfunctioning. I would have meant to vote "aye" on SB 108.

The SPEAKER. The remarks of the lady will be spread upon the record.

HOUSE SCHEDULE AND REPUBLICAN CAUCUS

The SPEAKER. The Chair recognizes the majority leader.

Mr. HAYES. Just by way of announcement, Mr. Speaker, I would like to have us complete our work this week by a reasonable hour tomorrow and not return until Monday, December 7.

Now, everybody is doing well. We have voted the last piece of legislation, once-a-year inspection. Let us go to caucus now for 1 hour, return and take up amendments and HB 1889, and that will go a long way in achieving our goal of adjourning tomorrow at a reasonable hour. So I would ask that we retire to caucus at this time for the purpose of taking up HB 1889, and return by 4:45. Thank you, Mr. Speaker.

The SPEAKER. Does the minority whip care to be recognized?

Mr. MANDERINO. Mr. Speaker, we are trying to get a clarification on the caucus.

DEMOCRATIC CAUCUS

The SPEAKER. The Chair recognizes the minority caucus chairman, Mr. O'Donnell.

Mr. O'DONNELL. Mr. Speaker, it is my understanding we are going to run mandatory sentencing tomorrow and not today, and the only matter before the House when we return will be the banking bill, HB 1889. That will be the only matter in the caucus, and the rest of the material we will handle in caucus tomorrow. Thank you.

RECESS

The SPEAKER. Without objection, this House will stand in recess until 4:45. The Chair hears no objection.

AFTER RECESS

The time of recess having expired, the House was called to order.

CALENDAR RESUMED

BILLS ON THIRD CONSIDERATION

The House proceeded to third consideration of **SB 831, PN 1370**, entitled:

An Act providing for a capital project in Berks County to be financed from the current revenues of the Motor License Fund.

On the question,

Will the House agree to the bill on third consideration?

BILL RECOMMITTED

The SPEAKER. The Chair recognizes the majority leader.

Mr. HAYES. Mr. Speaker, I move that SB 831 be recommitted to the Committee on Transportation.

On the question,

Will the House agree to the motion?

Motion was agreed to.

* * *

The House proceeded to third consideration of **HB 1889, PN 2282**, entitled:

An Act amending the "Banking Code of 1965," approved November 30, 1965 (P. L. 847, No. 356), relating to and regulating bank holding companies; ***; conferring additional powers on the Department of Banking, and making repeals.

On the question,

Will the House agree to the bill on third consideration?

MOTION TO RECOMMIT

The SPEAKER. The Chair recognizes the gentleman from Lancaster, Mr. Armstrong.

Mr. ARMSTRONG. Thank you, Mr. Speaker.

Mr. Speaker, I move that we recommit HB 1889 and have public hearings held. I do this a bit reluctantly, and one of the members on my side of the aisle asked—

The SPEAKER. Will the gentleman, Mr. Armstrong, advise the Chair what committee he is asking that this bill be recommitted to?

Mr. ARMSTRONG. Yes, sir; Business and Commerce.
The SPEAKER. The Chair thanks the gentleman.

On the question,
Will the House agree to the motion?

The SPEAKER. The gentleman, Mr. Armstrong, may proceed.

Mr. ARMSTRONG. I would like to have this bill recommitted, HB 1889, to the Business and Commerce Committee. As I said, I was somewhat reluctant. One of the members asked that we do not do this, because we are going to have to face this issue at one time or another and we may as well do it now, and he is probably right as far as the political implications.

We are sent up here to represent all our people and particularly the smaller guy. The people who have money or wealth really do not need us as much as the smaller person, and this is exactly true of the banks. The smaller banks need us much more than the bigger banks.

There are several things here that I do not agree with. Seven days after this bill was introduced into the committee, this bill was passed out of committee; 7 days. That is rather quickly. Also, from my understanding, it was only 1 1/2 hours in the committee process and it was out, so we had exactly 1 1/2 hours 7 days after it was introduced. The public really was not invited to this, let alone the small banks, but it is a major implication to them.

It seems to me that this bill was pretty well coordinated throughout the State. All of a sudden we had some big guns going throughout the State saying that this should pass, and then the bill was introduced and pretty soon it is right here on the House floor. I think that small banks should have at least their 2 cents into this legislative process. I do not think they have had that. To my way of thinking there are a lot of unanswered questions. I know in our caucus there was some confusion about what act this refers to and what effect this is going to have, and I do not know if the questions ever were answered in caucus.

My reason here to have this bill recommitted is not to kill the bill; I do not want the bill killed. I am asking that it be recommitted to the same committee from which it came and they have more discussion there so there is more input into the bill. Thank you, Mr. Speaker.

The SPEAKER. All members debating this particular motion keep in mind that the question is whether or not HB 1889 should be recommitted to the Committee on Business and Commerce.

On that question, the Chair recognizes the lady from Susquehanna, Miss Sirianni.

Miss SIRIANNI. Mr. Speaker, may I amend the bill to place it in the Judiciary Committee instead?

The SPEAKER. Such an amendment would be in order. Is it the Chair's understanding that the lady was simply asking a question or was she making a motion?

Mr. L. E. SMITH. She declines, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

The Chair recognizes the gentleman from Jefferson, Mr. Smith.

Mr. L. E. SMITH. Seriously, Mr. Speaker, I would ask for a "no" vote on recommittal. This is not a new subject to the Pennsylvania Legislature. Six years ago there were extensive public hearings held throughout the Commonwealth. There are volumes of testimony available to anyone who wants to read it. The subject matter, nothing has changed except perhaps the Feds are a little closer now to interstate banking and interindustry banking than they have ever been before.

You are not going to get any input from the public because this is not a public issue. You are going to hear from two segments of the industry if you have public hearings. You are going to hear from the independent bankers. They have been swarming this capitol for the last month, and they have told you everything that they know about why this bill should not be passed. On the other hand, you are going hear from the Pennsylvanians For Effective Banking, and they are going to tell you their story.

I do not think there is anyone in here who does not know right now how they are going to vote on final passage if this bill survives the recommittal motion. There is not any input from the public. I would urge you to vote "no" on the recommittal motion.

The SPEAKER. The Chair recognizes the gentleman from Carbon, Mr. McCall.

Mr. McCALL. Thank you, Mr. Speaker.

Mr. Speaker, I support the motion to recommit this bill for the reason that the bill was brought before the committee on a Thursday and was not printed. We had a discussion on the bill at that time with no public hearing, and on a Tuesday, I believe, following that Thursday, we had a meeting with the bill in print and the bill was voted out. I am asking the membership of this House to at least afford the committee the opportunity to have the public hearings to discuss this bill in full. Most of the members have received correspondence from both sides of the issue, have read it in the media, and cannot very well make up their minds along those lines. I think there are questions to be asked and there are questions to be answered. There are some very serious concerns about this bill, and I think it should be aired fully.

I think the gentleman pointed out very rightly, and I think it should be pointed out clearly, it is not the intent on this recommittal motion to kill the bill. It is the intent to have public hearings on the bill to air them fully, and I think every member of the House would agree to that. Therefore, I am asking for the support of the membership to recommit the bill to the Business and Commerce Committee.

The SPEAKER. The Chair recognizes the gentleman from Somerset, Mr. Lloyd.

Mr. LLOYD. Thank you, Mr. Speaker.

I rise to support the motion to recommit. I was somewhat troubled by the argument of the gentleman from Jefferson County, the chairman of the Business and Commerce Committee, when he said this is not a public issue. By that I assume he means this is an issue which members of the general public who are not bankers do not really care very much or do not know very much about. And that is very puzzling, Mr. Speaker, because I have received letters from the Pennsyl-

vania Farmers Association and the Pennsylvania State Grange, I have received letters from REA (Rural Electric Association), and I have received a letter from the Pennsylvania Farmers Union. I have also received comments from coal operators in my district and from small businessmen. Now, maybe they do not understand all the intricacies of banking, Mr. Speaker, but I think they do have some concerns about this bill, and I think this is a public issue, and I think that they ought to have an opportunity to have their questions answered.

Furthermore, Mr. Speaker, we have been told that this is an issue which has been heard again and again and again and that we had hearings before. Mr. Speaker, it is my understanding that the last hearings on this bill occurred in the mid-1970's, and as the banking industry has been reminding us again and again and again this year, *these are different times*. We now have to take the restrictions off mortgages so we can have *renegotiable mortgages*, and we have to take the ceiling off interest rates so we can respond to new conditions, and so the conditions which existed in 1974 or 1975 are not the same as the conditions today. Furthermore, Mr. Speaker, this is not the same bill that was considered before, and I think that matter deserves public hearing.

Mr. Speaker, it also was argued on this floor last week and decided by this House of Representatives that we ought to have public hearings on no-fault auto insurance, a matter on which we have received more mail and more information—

The SPEAKER. Will the gentleman yield.

The gentleman is requested to confine his remarks to the question before the House, and that is, should this bill, not the no-fault bill, be recommitted to the Committee on Business and Commerce?

Mr. LLOYD. Mr. Speaker, I will link the two, that if we are going to recommit issues, whatever they are, because we need public hearings, then one of the things we ought to look at is how much doubt is there about the facts that have been presented. And clearly, the House last week decided there were, and I think the House today should make that same decision.

There have been all kinds of statistics quoted to us about what did or did not happen in States with statewide banking. We need to have objective answers to those questions. If this bill is recommitted, it will not be killed. The Governor is for it, the chairman of the committee and the minority chairman of the committee are for it, but at least when they come back to us with this bill, they can come back armed with the answers to our questions. Mr. Speaker, I do not think they have those answers today, and I think we ought to recommit this bill. Thank you.

PARLIAMENTARY INQUIRY

The SPEAKER. The Chair recognizes the gentleman from Lehigh, Mr. Ritter.

Mr. RITTER. Mr. Speaker, I rise to support the motion to recommit.

I have a parliamentary inquiry, if you will.

The SPEAKER. Will the gentleman state his point of parliamentary inquiry.

Mr. RITTER. Did the motion also include the call for public hearings?

The SPEAKER. The Chair was going to inquire of the maker of the motion and he is shaking his head in the negative, so the motion is simply a recommitment of the bill to the Committee on Business and Commerce.

Mr. RITTER. May I then amend that motion, Mr. Speaker?

The SPEAKER. An amendment to the motion is in order.

MOTION TO AMEND

Mr. RITTER. Mr. Speaker, I would then offer an amendment to the motion that the bill be recommitted to the Business and Commerce Committee and that they be instructed to hold public hearings on the matter. That was plural, Mr. Speaker.

The SPEAKER. I would like the members who intend to debate this bill to listen carefully. The motion of Mr. Ritter is to amend the motion of Mr. Armstrong to provide that the bill be recommitted to the Committee on Business and Commerce with instructions to that committee to hold public hearings.

The question now before the House and the question to which debate is now limited is the question of adding the instructions to hold public hearings to the motion of Mr. Armstrong.

On the question,

Will the House agree to the motion?

The SPEAKER. The Chair recognizes the gentleman from Lehigh, Mr. Ritter.

Mr. RITTER. Thank you, Mr. Speaker.

The chairman of the committee had alluded to the fact that public hearings had been held some 6 or 7 years ago. The purpose for me asking for the public hearings now is twofold. First, the banking industry has changed dramatically in the past several years. Second, Mr. Speaker, I daresay that a majority or at least a considerable portion of this legislative body was not here 6 or 7 years ago and therefore did not participate in the public hearings. And at the risk of offending some of my constituents, I have got to plead ignorance. Frankly, I do not know what took place, and I was here. I do not know what took place in those public hearings 6 or 7 years ago.

I think we do need an update; I think we ought to have input from the banking community particularly in light of the fact, as I said, that the industry itself has changed dramatically in the past several years, and what was true 6 or 7 years ago may not be true today. So we need to recommit the bill and we need to have the public hearings, and I would ask support for the amendment and the motion, Mr. Speaker.

PARLIAMENTARY INQUIRY

The SPEAKER. For what purpose does the gentleman from Tioga, Mr. Spencer, rise?

Mr. SPENCER. A parliamentary inquiry for my own edification.

The SPEAKER. Will the gentleman state his point of parliamentary inquiry.

Mr. SPENCER. On what grounds is the motion to amend under the rules of the House made, the public hearings, with special reference to rule 50?

The SPEAKER. It is the opinion of the Chair that rule 50 is not the rule that the gentleman is relying upon, but rather the inherent power that we have to instruct our committees to hold public hearings.

Mr. SPENCER. Where is that inherent power?

The SPEAKER. Will the gentleman yield. It is right here.

With respect to the gentleman's question, section 388 of Mason's Manual, section 2: "The motion to refer to committee may not be amended, except as to the committee or as to instructions to the committee."

Mr. SPENCER. Mr. Speaker, I am not going to delay this any longer. I will speak to you on the side about it.

The SPEAKER. The Chair recognizes the gentleman from Jefferson, Mr. Smith.

Mr. L. E. SMITH. I would like to make one quick comment about the remarks that Representative Ritter made. He said this bill needs input from the industry. The first committee meeting that was held on this subject was held purposely on Columbus Day, which is a bank holiday, to permit those independent bankers to come and testify before the committee. We spent a great deal of time that day listening to them and questioning them and hearing their views, and I can only see public hearings as an extension of that and not really settling anything because the only real input you are going to get is industry input.

The SPEAKER. The Chair recognizes the gentleman from Fayette, Mr. Taylor, on the question of public hearings if the bill is recommitted.

Mr. TAYLOR. Thank you, Mr. Speaker.

I rise in opposition to recommitment to the Committee on Business and Commerce for the purpose of public hearings. Once again, we will whip and drag, kick and punch. We will end up with the same thing. The same sides will have already had their minds made up. We are not going to get any further input from anybody on it. The independent bankers have taken their positions; the people for competitive banking in Pennsylvania have taken their positions. I think the issue is crystal clear. We do not need to have a pony and dog show going around the State attracting those same vested interests that keep telling us over and over again why they are for it or why they are against it. I think the issue is crystal clear.

We ought to vote here today to turn down this recommitment motion and get on with voting the bill up or down. Thank you.

The SPEAKER. The Chair recognizes the gentleman from Allegheny, Mr. Pott.

Mr. POTT. Thank you, Mr. Speaker.

I would like to point out to the members of the House that the House Business and Commerce Committee did have the opportunity to vote for an extension of public hearings, if it thought that more input was necessary from both sides of this most controversial issue. As Chairman Smith stated, the committee held a meeting and received input from the independent bankers and from those proponents of a more expanded State banking system.

The membership of this House of Representatives in toto would not attend a public hearing held by one of its committees. I believe that the chairman and the minority chairman of the Business and Commerce Committee are prepared to answer the questions that those members of the House may have on this issue today. I would not think that public hearings would provide them with any more information than they have already received. I would question whether or not public hearings and recommitting this bill for that purpose would provide any more substantive authoritative support for the members of this General Assembly whether to vote for or against the issue before us.

Let us hear this issue debated here on the floor today. We have all prepared for this legislation. There is going to be no additional input offered at public hearings. Numerous amendments have been prepared diligently by the members of this House in their attempts to better this legislation. Information can be weaned from the sponsors of this bill during the debate process.

Here, now, today is the place for your public hearing on this HB 1889, not in a committee room. This is the public forum. Let us vote down this amendment for public hearings, the recommitment motion, and get on with the business of the House that we were elected here to do. Thank you.

The SPEAKER. The Chair recognizes the gentleman from Lawrence, Mr. Pratt, on the question of public hearings.

Mr. PRATT. Mr. Speaker, thank you.

As a member of the Business and Commerce Committee, I am rising to support the recommitment motion. I do so for various reasons—

The SPEAKER. Will the gentleman yield.

The question before the House is recommitment with public hearings. The question now being addressed is whether or not public hearings should be made part of the motion to recommit.

Mr. PRATT. I stand corrected, Mr. Speaker.

So far as public hearings are concerned, Mr. Speaker, I do not think that there are 10 members on the floor of this House who really and truly know the consequences of this bill if it were to become law. I do not. And I think that the members should have the value of public input with statewide public hearings on this bill. Yes, it is true, the committee did invite certain parties to a committee meeting, which parties voiced their concern about the bill. But, Mr. Speaker, during public hearings we can invite more members or more of a cross section of those who are on both sides of this issue. We can invite representatives from the Federal Government so that maybe they can shed some light on what the Federal Govern-

ment plans to do on interstate branching. We could invite members of the business community as to how this type of law would affect them in the community. We could invite the officials of the Department of Banking to express their feelings one way or another in a more wide and deeper fashion, Mr. Speaker.

Mr. Speaker, I do not think that this bill really received the consideration that it justly deserves. I do not oppose this bill one way or another, nor do I support it, and I think there are many members on the floor of this House who would probably switch their vote in support of or against this bill if they had more information. There is much more information, Mr. Speaker, that could be disseminated throughout this body if we had three or four public hearings, and I do not see the rush in passing this bill or considering this bill on the floor of the House today.

Mr. Speaker, I would urge the members to support the amendment to the original motion so that we can have public hearings on this particular bill. Thank you.

The SPEAKER. The Chair recognizes the gentleman from Somerset, Mr. Lloyd.

Mr. LLOYD. Mr. Speaker, on the question of public hearings, the comment has been made that we are not going to hear from anybody except industry representatives. That might be true if we have the hearing in Harrisburg or Philadelphia or Pittsburgh, but you bring that hearing out to Somerset County and to other rural parts of this State, and I think you are going to have farmers there, and I think you are going to have coal operators there, and I think you are going to have local government officials there, and I think you are going to have small businessmen there. Now, maybe they are wrong. Maybe they have been sold a bill of goods and they ought to be for this bill, but it seems to me if we are going to represent our people effectively, we have to give them an opportunity to explain their position, and we have to discuss it with them.

Furthermore, why is it, Mr. Speaker, that if we have public hearings, we cannot invite people from the academic community and let them come in and give us their benefit or the benefit of their insight into the impact of this legislation? I do not think it is inevitable at all that we will hear from only industry people if we advertise the hearings and we invite groups of people to come.

Finally, Mr. Speaker, on the question of public hearings, I would suggest that this is not going to delay this bill at all. We are facing several weeks off because of a recess. There is ample time to get a few hearings in and to bring this bill back and vote it before the end of the year. We have a responsibility to try to make sure we pass the best bill possible. There have been conflicting claims made in the literature which we have received, and we ought to try to get to the bottom of it and find out what is correct. Thank you.

The SPEAKER. The Chair recognizes the gentleman from Lancaster, Mr. Armstrong.

Mr. ARMSTRONG. Thank you, Mr. Speaker.

It is my understanding that in committee there was a motion to hold public hearings, and that motion failed by a

vote of 11 to 11. Hardly an overwhelming endorsement. So I feel that even the committee is split 50-50, so perhaps we should have public hearings.

The SPEAKER. The Chair recognizes the gentleman from Greene, Mr. DeWeese, on the question of public hearings, should the bill be recommitted.

Mr. DeWEESE. Mr. Speaker, in Colorado recently this question went to the voters. This question that we are talking about right now went to the men and women in Colorado. The same kind of people who care about the Steelers and the Eagles care about the Broncos. There is not much difference between the people in Colorado and the people of Pennsylvania when you get right down to it. And those rural people and those city people in the State of Colorado voted 3 to 1 against statewide banking. When the good old boys in the rural parts of this—

The SPEAKER. Will the gentleman yield.

The question before the House is, if the bill is recommitted, will public hearings be held? I would appreciate it if the gentleman would confine his remarks to that question. The gentleman may proceed.

Mr. DeWEESE. I needed 10 seconds and I would have been to that point, sir, but with all due respect, public hearings are essential on this matter due to the fact that Pennsylvanians have not been heard. Representative Lloyd's arguments have been cogent, they have been concise, they have been on target, and I believe for the reasons he mentioned, for the enthusiasm that I share, and for the fact that the people of Pennsylvania have not been heard, this should go to public hearings. Thank you for your leniency, sir.

On the question recurring,
Will the House agree to the motion?

The following roll call was recorded:

YEAS—96

Armstrong	Fryer	Mackowski	Seventy
Barber	Gamble	Manderino	Showers
Belardi	Geist	Manmiller	Shupnik
Belfanti	George	Michlovic	Sirianni
Blaum	Grabowski	Miscevich	Snyder
Caltagirone	Hagarty	Moehlmann	Steighner
Cawley	Haluska	Morris	Stewart
Clark	Harper	Mrkonc	Stuban
Cohen	Hasay	Murphy	Swift
Colafella	Hoeffel	Noye	Taylor, E. Z.
Cole	Horgos	Olasz	Telek
Coslett	Hutchinson, A.	Oliver	Tigue
DeMedio	Johnson	Pendleton	Trello
DeWeese	Kanuck	Petrarca	Wachob
Davies	Klingaman	Pistella	Wambach
Dawida	Kolter	Pitts	Wargo
Deal	Kowalshyn	Pratt	Wass
Dietz	Kukovich	Punt	Wiggins
Dininni	Laughlin	Richardson	Williams, H.
Dorr	Lewis	Ritter	Williams, J. D.
Duffy	Livengood	Rybak	Wilson
Evans	Lloyd	Salvatore	Wozniak
Fee	Lucyk	Saurman	Wright, D. R.
Foster, Jr., A.	McCall	Serafini	Wright, R. C.

NAYS—98

Anderson	Durham	Levi	Reber
Arty	Fargo	Levin	Rieger
Beloff	Fischer	McClatchy	Rocks
Bittle	Foster, W. W.	McIntyre	Sieminski

Borski	Frazier	McMonagle	Smith, B.
Bowser	Freind	McVerry	Smith, E. H.
Boyes	Gallagher	Madigan	Smith, L. E.
Brandt	Gallen	Maiale	Spencer
Brown	Gannon	Marmion	Spitz
Burd	Gladeck	Merry	Stairs
Burns	Greenfield	Micozzie	Stevens
Cappabianca	Greenwood	Miller	Swaim
Cessar	Grieco	Mowery	Sweet
Cimini	Gruitza	Mullen	Taddonio
Civera	Gruppo	Nahill	Taylor, F. E.
Clymer	Hayes	O'Donnell	Van Horne
Cochran	Heiser	Perzel	Vroon
Cordisco	Honaman	Peterson	Wenger
Cornell	Itkin	Petrone	Weston
Cowell	Jackson	Phillips	Wogan
Cunningham	Kennedy	Piccola	Wright, J. L.
DeVerter	Lashinger	Pievsky	Zwinkl
Daikeler	Lehr	Pott	
Dombrowski	Lescovitz	Rappaport	Ryan,
Donatucci	Letterman	Rasco	Speaker

NOT VOTING—2

Gray Hutchinson, W.

EXCUSED—6

Alden Emerson Irvis Pucciarelli
Berson Fleck

The question was determined in the negative, and the motion was not agreed to.

The SPEAKER. The question recurs, shall the bill be recommitted to the Committee on Business and Commerce? On that question, those in favor of recommitment will vote "aye"; opposed, "no."

The following roll call was recorded:

YEAS—69

Armstrong	Fryer	Madigan	Shupnik
Belardi	Geist	Manderino	Smith, B.
Belfanti	George	Manmiller	Stewart
Caltagirone	Haluska	Michlovic	Stuban
Cawley	Harper	Morris	Swift
Cole	Hasay	Mrkonic	Telek
DeMedio	Johnson	Noye	Tigue
DeWeese	Kennedy	Olasz	Trello
Davies	Klingaman	Oliver	Vroon
Dawida	Kolter	Petrarca	Wachob
Dietz	Kowalshyn	Phillips	Wambach
Dininni	Kukovich	Pitts	Wargo
Dorr	Laughlin	Pratt	Wass
Duffy	Livengood	Punt	Wenger
Fargo	Lloyd	Ritter	Williams, H.
Fee	McCall	Salvatore	Wilson
Foster, W. W.	Mackowski	Serafini	Wozniak
Foster, Jr., A.			

NAYS—125

Anderson	Durham	Lewis	Rybak
Arty	Evans	Lucyk	Saurman
Barber	Fischer	McClatchy	Seventy
Beloff	Frazier	McIntyre	Showers
Bittle	Freind	McMonagle	Sieminski
Blaum	Gallagher	McVerry	Sirianni
Borski	Gallen	Maiale	Smith, E. H.
Bowser	Gamble	Marmion	Smith, L. E.
Boyes	Gannon	Merry	Snyder
Brandt	Gladeck	Micozzie	Spencer
Brown	Grabowski	Miller	Spitz
Burd	Greenfield	Miscevich	Stairs
Burns	Greenwood	Moehlmann	Steighner
Cappabianca	Grieco	Mowery	Stevens
Cessar	Gruitza	Mullen	Swaim
Cimini	Gruppo	Murphy	Sweet

Civera	Hagarty	Nahill	Taddonio
Clark	Hayes	O'Donnell	Taylor, E. Z.
Clymer	Heiser	Pendleton	Taylor, F. E.
Cochran	Hoefel	Perzel	Van Horne
Cohen	Honaman	Peterson	Weston
Colafella	Horgos	Petrone	Wiggins
Cordisco	Hutchinson, A.	Piccola	Williams, J. D.
Cornell	Itkin	Pievsky	Wogan
Coslett	Jackson	Pistella	Wright, D. R.
Cowell	Kanuck	Pott	Wright, J. L.
Cunningham	Lashinger	Rappaport	Wright, R. C.
DeVerter	Lehr	Rasco	Zwinkl
Daikeler	Lescovitz	Reber	
Deal	Letterman	Richardson	Ryan,
Dombrowski	Levi	Rieger	Speaker
Donatucci	Levin	Rocks	

NOT VOTING—2

Gray Hutchinson, W.

EXCUSED—6

Alden Emerson Irvis Pucciarelli
Berson Fleck

The question was determined in the negative, and the motion was not agreed to.

On the question recurring,

Will the House agree to the bill on third consideration?

Mr. DORR offered the following amendments No. A4812:

Amend Sec. 1, page 1, lines 26 and 27, by striking out "a section" and inserting sections

Amend Sec. 1, page 2, line 1, by striking out "this section" and inserting

sections 114 and 115

Amend Sec. 1, page 3, by inserting between lines 13 and 14 Section 115. Limitations on Bank Holding Companies

(a) Restrictions.—No bank holding company or subsidiary thereof shall, under any circumstances, acquire control of the voting stock, do business as, consolidate, merge with or otherwise acquire a controlling interest or influence in any Pennsylvania corporation, partnership, limited partnership, business trust, association or other similar organization which is not engaged in a business so closely related to banking or managing or controlling institutions as to be a proper incident thereto and the secretary shall have no power to authorize such action.

(b) Waiver.—After the effective date of this act, unless authorized in writing by the Secretary of Banking of the Commonwealth of Pennsylvania, no bank holding company or subsidiary thereof may purchase control of the voting stock, do business as, consolidate, merge with or otherwise acquire a controlling interest or influence in any corporation which is not an institution and which is incorporated under the laws of this Commonwealth or qualified to do business in this Commonwealth, or in any partnership, limited partnership, business trust, association or other similar organization having its principal place of business in Pennsylvania and which is not an institution.

(c) Approval limitation.—The secretary shall not approve any application for acquisition, consolidation or merger under subsection (b) if the secretary determines that such action would:

(i) through undue concentration of resources, produce a monopolistic effect in the industry in which the organization is or would be doing business;

(ii) hinder, inhibit or otherwise adversely affect competition in the industry in which the organization is or would be doing business; or

(iii) be otherwise harmful to the public welfare.

(d) Renewal of right.—Every bank holding company or subsidiary thereof which obtains written authorization from the sec-

retary or which, on the effective date of this act, holds controlling interest or influence in any corporation doing business in Pennsylvania which is not an institution or in any partnership, limited partnership, business trust, association or other similar organization having its principal place of business in Pennsylvania shall biennially apply to the department for renewal of the right to continue such holdings. If the secretary finds that continuation of such holdings would produce a monopolistic effect or hinder, inhibit or otherwise adversely affect competition or be harmful to the public welfare, the applicant shall divest itself of said holdings within a reasonable time as required by the department.

(e) Rules and regulations.—The department shall have authority to promulgate reasonable rules and regulations, in accordance with the act of July 31, 1968 (P.L.769, No.240), referred to as the Commonwealth Documents Law, to effectuate the provisions of this section.

On the question,

Will the House agree to the amendments?

The SPEAKER. The Chair recognizes the gentleman from York, Mr. Dorr.

Mr. DORR. Mr. Speaker, on a number of occasions I have heard it argued that this bill is necessary because there are a number of out-of-State bank holding companies which are able to set up various offices of their financial conglomerate in Pennsylvania, and in order to compete with those offices, we need this particular piece of legislation.

Mr. Speaker, the legislation as drafted has nothing to do with out-of-State bank holding companies coming into Pennsylvania and opening nonbank offices. For an example, I can give you BankAmerica, which owns a finance company called FinanceAmerica, as I understand it, and there are a number of those offices in Pennsylvania. First Maryland International Banking Corporation, a Maryland bank holding company, recently set up an office in Pennsylvania for the purpose of dealing in international trade. For some reason, people seem to think that because they are able to do that, this legislation that we have before us, HB 1889, is necessary. It was my judgment in reading the legislation that it had nothing to do at all with those particular issues. Therefore, I thought we should offer an amendment which treats that issue, if in fact it is a problem for our banking institutions in Pennsylvania to deal with.

Therefore, I offer this amendment, which would allow the Department of Banking to regulate the establishment of offices in Pennsylvania by bank holding companies. I am speaking now of offices, not banks but offices, which bank holding companies under Federal legislation are authorized to own, such as finance companies—the office that I just mentioned in terms of international trade—insurance offices, and a variety of other bank holding companies which are not banks. This particular amendment would allow the Department of Banking to regulate those activities.

The SPEAKER. The Chair recognizes the gentleman from Jefferson, Mr. Smith.

Mr. L. E. SMITH. Mr. Speaker, I would like to ask Representative Dorr one quick question that might clarify a little confusion I have here.

The SPEAKER. The gentleman, Mr. Dorr, indicates he will stand for interrogation. The gentleman, Mr. Smith, may begin.

Mr. L. E. SMITH. Mr. Speaker, I do not have the latest number. Was this what was formerly No. A4429?

Mr. DORR. I believe so, Mr. Speaker. There was a technical amendment made in the amendment after I had given you a copy of an earlier version, so I assume that is what you are referring to.

Mr. L. E. SMITH. Okay. Thank you, Mr. Speaker.

I rise to oppose this amendment.

The SPEAKER. The gentleman is in order and may proceed.

Mr. L. E. SMITH. The need of this amendment is a little confusing to me, because it starts out by prohibiting bank holding companies. Then in section (d) we permit bank holding companies. It appears to me that this is going to open this legislation to a court interpretation where down the road sometime some court is going to describe to us what our legislative intent was, and I think for that reason alone this amendment should be voted down.

The SPEAKER. The Chair recognizes the gentleman from Fayette, Mr. Taylor.

Mr. TAYLOR. Thank you, Mr. Speaker.

I also rise to oppose this amendment. If I read the amendment correctly—and I get the interpretation from my staff—this amendment would go far beyond the banking industry. I do not think that we ought to set the Secretary of Banking up as the antitrust officer of the Commonwealth of Pennsylvania. We do not have antitrust legislation or laws in the Commonwealth now. What does the Secretary of Banking have if a holding company wants to buy a diversified interest in a trucking company or a retail outlet? Why should the Secretary of Banking have anything to say about that? I think it is, you know, ill-advised to spread it that far. I would oppose the amendment.

The SPEAKER. The Chair recognizes the gentleman from York, Mr. Dorr, for the second time on the amendment.

Mr. DORR. Mr. Speaker, both of the speakers misinterpret the amendment. The amendment in no way prohibits bank holding companies. The first section, referred to as prohibiting bank holding companies, in fact simply restricts them as does Federal law today. In fact, Federal law is the language you see in subsection (a). It restricts them only to financial-related companies. In other words, they cannot buy a trucking company, as they are prohibited from doing in Federal legislation. So I would simply urge the members that if they deem it a problem—and apparently the proponents of this legislation do—that bank holding companies authorized by other States can come into Pennsylvania and engage in certain businesses, if they deem that a problem, then we should regulate that problem in the legislation and not use it as an excuse for some totally unrelated piece of legislation.

The SPEAKER. The Chair recognizes the gentleman from Fayette, Mr. Taylor, for the second time on the amendment.

Mr. TAYLOR. And the last bite of the apple.

Section (c): “Approval limitation.—The secretary shall not approve any application for acquisition, consolidation or merger under subsection (b) if the secretary determines that such action would:...” —drop down to subsection (ii)—

“hinder, inhibit or otherwise adversely affect competition in the industry in which the organization is or would be doing business;...” I think that is far reaching, Mr. Speaker. I think we ought to defeat the amendment.

On the question recurring,
Will the House agree to the amendments?

The following roll call was recorded:

YEAS—71

Armstrong	Fargo	Mackowski	Serafini
Belardi	Fee	Madigan	Shupnik
Belfanti	Foster, Jr., A.	Manderino	Smith, B.
Blaum	Fryer	Miscevich	Steighner
Bowser	George	Moehlmann	Stewart
Brown	Gruitza	Morris	Stuban
Caltagirone	Hayes	Mowery	Swift
Cawley	Hutchinson, A.	Mrkonjic	Telek
Clark	Johnson	Noye	Tigue
Colafella	Kanuck	Peterson	Wachob
Cornell	Klingaman	Petrarca	Wambach
DeMedio	Kolter	Phillips	Wargo
DeVerter	Kowalshyn	Pistella	Wass
DeWeese	Kukovich	Pitts	Williams, H.
Davies	Livengood	Pratt	Wilson
Dietz	Lloyd	Punt	Wozniak
Dininni	Lucyk	Ritter	Zwinkl
Dorr	McCall	Rybak	

NAYS—122

Anderson	Foster, W. W.	Levin	Saurman
Arty	Frazier	Lewis	Seventy
Barber	Freind	McClatchy	Showers
Beloff	Gallagher	McIntyre	Sieminski
Bittle	Gallen	McMonagle	Sirianni
Borski	Gamble	McVerry	Smith, E. H.
Boyes	Gannon	Maiale	Smith, L. E.
Brandt	Geist	Manmiller	Snyder
Burd	Gladeck	Marmion	Spencer
Burns	Grabowski	Merry	Spitz
Cappabianca	Greenfield	Michlovic	Stairs
Cessar	Greenwood	Micozzie	Stevens
Cimini	Grieco	Miller	Swaim
Civera	Gruppo	Mullen	Sweet
Clymer	Hagarty	Murphy	Taddonio
Cochran	Haluska	Nahill	Taylor, E. Z.
Cohen	Harper	O'Donnell	Taylor, F. E.
Cole	Hasay	Olasz	Trello
Cordisco	Heiser	Oliver	Van Horne
Coslett	Hoeffel	Pendleton	Vroon
Cowell	Honaman	Perzel	Wenger
Cunningham	Horgos	Piccola	Weston
Daikeler	Itkin	Pievsky	Wiggins
Dawida	Jackson	Pott	Williams, J. D.
Deal	Kennedy	Rappaport	Wogan
Dombrowski	Lashinger	Rasco	Wright, D. R.
Donatucci	Laughlin	Reber	Wright, J. L.
Duffy	Lehr	Richardson	Wright, R. C.
Durham	Lescovitz	Rieger	
Evans	Letterman	Rocks	Ryan,
Fischer	Levi	Salvatore	Speaker

NOT VOTING—3

Gray Hutchinson, W. Petrone

EXCUSED—6

Alden	Emerson	Irvis	Pucciarelli
Berson	Fleck		

The question was determined in the negative, and the amendments were not agreed to.

PARLIAMENTARY INQUIRY

The SPEAKER. For what purpose does the gentleman from Lawrence, Mr. Pratt, rise?

Mr. PRATT. A parliamentary inquiry.

The SPEAKER. The gentleman will state his point of parliamentary inquiry.

Mr. PRATT. Mr. Speaker, would a motion to table, with instructions that the Business and Commerce Committee hold public hearings, be in order?

The SPEAKER. No, it would not.

Mr. PRATT. Mr. Speaker, I have a further inquiry.

The SPEAKER. The gentleman will state his point of parliamentary inquiry.

Mr. PRATT. If a motion to table were to be made, Mr. Speaker, what procedure could a member pursue to have a committee such as the Business and Commerce Committee hold public hearings on this bill? Is that possible?

The SPEAKER. If the bill were tabled, the bill would not be before the committee, so no public hearings would be held by the committee on that bill.

Mr. PRATT. Is there a procedure by which this House could have the Business and Commerce Committee hold public hearings notwithstanding that the bill is not before that committee but rather has been laid on the table?

The SPEAKER. In response to the gentleman, it is the opinion of the Chair that at this time nothing can be done to accomplish the result the gentleman is seeking.

Mr. PRATT. Thank you, Mr. Speaker.

On the question recurring,

Will the House agree to the bill on third consideration?

Mr. LAUGHLIN offered the following amendments No. A4902:

Amend Title, page 1, line 16, by inserting after “acts,” ” limiting deposits of Commonwealth funds;

Amend Sec. 1, page 1, lines 26 and 27, by striking out “a section” and inserting sections

Amend Bill, page 1, by inserting between lines 27 and 28 Section 114. Limitation on Deposit of Commonwealth Funds

The Treasury Department shall not deposit any Commonwealth Funds in a financial institution subject to this act that does not conform to the finance charge limitations in the act of October 28, 1966 (Sp.Sess No.1 P.L.55, No.7), known as the “Goods and Services Installment Sales Act.”

Amend Sec. 1 (Sec. 114), page 1, line 28, by striking out “114” and inserting

115

On the question,

Will the House agree to the amendments?

The SPEAKER. The Chair recognizes the gentleman from Beaver, Mr. Laughlin.

Mr. LAUGHLIN. Mr. Speaker, many of the members in the House are aware of the fact that a number of institutions across the State have attempted to circumvent the usury laws of this State that are established by the House of Representatives and the Senate and are signed into law by our Governor. They have recently gone into court in an attempt—as a matter

of fact, they did it without going to court—in an attempt to circumvent these laws using a mere loophole that they found, at least they think they found. It has not been tested in court. There is no legal foundation on which they have done this. I believe, Mr. Speaker, that whenever any of our banks attempt to circumvent this legislature, the members of this House should stand up and defend the reason that we were elected to office, and that is to make the laws of this State and to see that they are properly enforced.

Mr. Speaker, I ask for an affirmative vote by the members of the House on this amendment, which will prohibit the Treasury of this State from depositing moneys within those accounts of banks that attempt to make this circumvention. Thank you, Mr. Speaker.

The SPEAKER. The Chair recognizes the gentleman from Jefferson, Mr. Smith.

Mr. L. E. SMITH. Mr. Speaker, in all honesty, I do not think there is any argument against this amendment. I would only appeal to you that we have on our calendar HB 1739, and I would appeal to you to reject this amendment in HB 1889 and consider it properly in HB 1739, because HB 1739 also deals with the subject matter that Representative Laughlin will offer in his next amendment. I would like to keep HB 1889 clear of this kind of amendment and appeal to you just from a standpoint of good legislation to withhold the insertion of this amendment into HB 1889 and put it into HB 1739.

The SPEAKER. The Chair recognizes the gentleman from Fayette, Mr. Taylor.

Mr. TAYLOR. Thank you, Mr. Speaker.

I have a little bit of concern about the amendment, but I think that the maker of the amendment is trying to address a problem in this Commonwealth. Since we have this banking bill before us, I would recommend that we support this amendment and try to address that problem, if we can all address it, if at all possible, today. I therefore support the amendment and would ask for an affirmative vote on it. Thank you, Mr. Speaker.

On the question recurring,
Will the House agree to the amendments?

The following roll call was recorded:

YEAS—125

Armstrong	Fee	Lloyd	Seventy
Barber	Fischer	Lucyk	Showers
Belardi	Foster, W. W.	McCall	Shupnik
Belfanti	Fryer	McMonagle	Sieminski
Blaum	Gallagher	Mackowski	Sirianni
Borski	Gallen	Manderino	Smith, B.
Brown	Gamble	Michlovic	Snyder
Burns	Geist	Miller	Stairs
Caltagirone	Géorge	Miscevich	Steighner
Cappabianca	Grabowski	Moehlmann	Stewart
Cawley	Gruitza	Morris	Stuban
Clark	Haluska	Mrkonic	Swaim
Cohen	Harper	Murphy	Sweet
Colafella	Hasay	Noye	Taylor, F. E.
Cole	Hayes	Olasz	Telek
Cordisco	Hoeffel	Oliver	Tigue
Coslett	Horgos	Pendleton	Trello
Cowell	Hutchinson, A.	Petrarca	Van Horne
Cunningham	Hutchinson, W.	Petrone	Wachob
DeMedio	Itkin	Phillips	Wambach
DeWeese	Johnson	Pievsky	Wargo

Davies	Kanuck	Pistella	Wass
Dawida	Klingaman	Pitts	Wenger
Deal	Kolter	Pratt	Wiggins
Dietz	Kowalyszyn	Punt	Williams, H.
Dininni	Kukovich	Reber	Williams, J. D.
Dombrowski	Laughlin	Richardson	Wilson
Donatucci	Lescovitz	Ritter	Wogan
Dorr	Letterman	Rybak	Wozniak
Duffy	Lewis	Salvatore	Wright, D. R.
Evans	Livengood	Serafini	Zwikl
Fargo			

NAYS—67

Anderson	Freind	McVerry	Rocks
Arty	Gannon	Madigan	Saurman
Beloff	Gladeck	Manmiller	Smith, E. H.
Bowser	Greenfield	Marmion	Smith, L. E.
Boyes	Greenwood	Merry	Spencer
Brandt	Grieco	Micozzie	Spitz
Burd	Gruppo	Mowery	Stevens
Cessar	Hagarty	Mullen	Swift
Cimini	Heiser	Nahill	Taddonio
Civera	Honaman	O'Donnell	Taylor, E. Z.
Clymer	Jackson	Perzel	Vroon
Cochran	Kennedy	Peterson	Weston
Cornell	Lehr	Piccola	Wright, J. L.
DeVerter	Levi	Pott	Wright, R. C.
Daikeler	Levin	Rappaport	
Durham	McClatchy	Rasco	Ryan,
Foster, Jr., A.	McIntyre	Rieger	Speaker
Frazier			

NOT VOTING—4

Bittle	Gray	Lashinger	Maiale
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EXCUSED—6

Alden	Emerson	Irvis	Pucciarelli
Berson	Fleck		

The question was determined in the affirmative, and the amendments were agreed to.

On the question,

Will the House agree to the bill on third consideration as amended?

Mr. LAUGHLIN offered the following amendments No. A4900:

Amend Sec. 1, page 1, lines 26 and 27, by striking out "a section" and inserting sections

Amend Bill, page 3, by inserting between lines 13 and 14 Section 319. Charging Interest at Rates Permitted

Competing Lenders.

Any loans authorized by this act may be made at such interest, finance charge, rate or terms herein authorized or at any interest, finance charge, rate or terms permitted by Pennsylvania law for any other financial institution or any other lender regulated by State law with respect to the specified class of loan.

On the question,

Will the House agree to the amendments?

The SPEAKER. The Chair recognizes the gentleman from Beaver, Mr. Laughlin.

Mr. LAUGHLIN. Mr. Speaker, would you please let the House stand in recess for just a few minutes? I would like to speak to the minority chairman of the Business and Commerce Committee.

The SPEAKER. The House will be at ease.

AMENDMENTS WITHDRAWN

The SPEAKER. The Chair recognizes the gentleman from Beaver, Mr. Laughlin.

Mr. LAUGHLIN. Mr. Speaker, based on our conversation with the minority leader of the Business and Commerce Committee and Mr. Smith as the chairman of that committee, the amendment will be offered tomorrow to HB 1739, and I believe it is an accepted amendment on that basis. Thank you. I will withdraw it.

The SPEAKER. The Chair thanks the gentleman.

Without objection, the amendment offered by the gentleman, Mr. Laughlin, A4900, is withdrawn. The Chair hears no objection.

On the question recurring,

Will the House agree to the bill on third consideration as amended?

Mr. SERAFINI offered the following amendments No. A4901:

Amend Title, page 1, line 16, by inserting after "companies;" providing procedures;

Amend Sec. 1, page 1, lines 26 and 27, by striking out "a section" and inserting sections

Amend Sec. 1 (Sec. 114), page 2, line 1, by inserting after "section" and section 115

Amend Sec. 1, page 3, by inserting between lines 13 and 14 Section 115. Procedures for Acquisition.

(a) Acquiring control.—No Pennsylvania bank holding company shall acquire control of an institution except as provided in this section.

(b) Application.—Each Pennsylvania bank holding company shall apply to the department for authorization to acquire control of an institution. Each application shall be accompanied by a plan of acquisition, together with proof of approvals required by subsection (c), setting forth the manner in which control will be acquired, the number of shares of the voting securities to be acquired, the total number of outstanding voting securities of the institution over which control is sought to be acquired, the number and types of voting securities of other institutions which the Pennsylvania bank holding company owns controls or has power to vote and any other information required by the department. No application shall be approved if the department finds that acquisition of control of an institution would:

(i) through undue concentration of resources produce a monopolistic affect on the banking or banking and trust industry,

(ii) hinder, inhibit or otherwise adversely affect competition in the banking or banking and trust industry; or

(iii) be otherwise harmful to the public welfare.

(c) Approval of plan.—Acquisition of control of an institution by a Pennsylvania bank holding company shall not be authorized by the department unless approved by:

(i) a majority of disinterested directors of the institution over which control is sought to be acquired; and

(ii) two-thirds of the votes which all shareholders are entitled to cast, at a meeting held not less than ten days notice to all shareholders. Dissenting shareholders shall be entitled to the rights and remedies of a dissenting shareholders under section 1222.

(d) Investigation by department.—Upon receipt of an application for acquisition of control of an institution by a Pennsylvania bank holding company the department shall conduct such investigation as it may deem necessary. Within sixty days after

receipt of the application the department shall approve or disapprove the application on the basis of its investigation. The department shall immediately give to the parties to the acquisition written notice of its decision and in the event of disapproval, a statement in detail of the reasons for such disapproval. All action of the department shall be subject to right of hearing, notice and appeal as provided in Title 2 of the Pennsylvania Consolidated Statutes (relating to Administrative Law and Procedure).

On the question,

Will the House agree to the amendments?

The SPEAKER. The Chair recognizes the gentleman from Lackawanna, Mr. Serafini.

Mr. SERAFINI. Mr. Speaker, what I attempt to do with this amendment is require any bank holding company wishing to take over another bank to conform to certain limitations and to comprise a plan for that takeover. What it would require the bank to do primarily would be to have a majority of the disinterested directors of the institution over which control is sought vote in favor of that takeover and have a two-thirds majority of the vote of all shareholders agree to that takeover. What this applies to primarily is not a merger or a consolidation but just a takeover, which would require a tender offer. I am requiring approval of the board of directors and the shareholders for that type of takeover.

The SPEAKER. The Chair recognizes the gentleman from Jefferson, Mr. Smith.

Mr. L. E. SMITH. Mr. Speaker, I rise to oppose this legislation. It has some very serious constitutional questions, which I do not care to get into at the present time, but it also would destroy the multibank-holding concept. Therefore, I ask for a "no" vote.

The SPEAKER. The Chair recognizes the gentleman from Fayette, Mr. Taylor.

Mr. TAYLOR. Please recognize the minority caucus chairman.

The SPEAKER. The Chair recognizes the gentleman from Philadelphia, Mr. O'Donnell.

Mr. O'DONNELL. Will the gentleman stand for interrogation?

Mr. SERAFINI. Yes.

The SPEAKER. The gentleman indicates he will stand for interrogation. The gentleman, Mr. O'Donnell, may proceed.

Mr. O'DONNELL. Mr. Speaker, the bill would prohibit Pennsylvania bank holding companies from acquiring control of institutions except under certain circumstances. How about bank holding companies that are not Pennsylvania institutions?

Mr. SERAFINI. This amendment does not address that situation.

Mr. O'DONNELL. So everybody but a Pennsylvania holding company could go ahead and acquire control of our banks. The only people who would be prohibited would be Pennsylvania holding companies.

Mr. SERAFINI. Well, I would not mind amending that section also. However, this particular amendment does not address that. If you are concerned about that, I could amend that.

Mr. O'DONNELL. Well, can any amendment address that part, because the rest of the bank holding companies are Federal.

Mr. Speaker, may I be recognized?

The SPEAKER. On the question of the adoption of the amendment, the Chair recognizes the gentleman, Mr. O'Donnell.

Mr. O'DONNELL. I think the gentleman's intent is good, but I have a feeling that the amendment will have the effect only of reaching Pennsylvania bank holding companies and will not reach any other bank holding company. Therefore, what we have in fact done is limited our own people's ability to acquire banks here and left it wide open for others. Thank you.

The SPEAKER. The Chair recognizes the gentleman from Lackawanna, Mr. Serafini.

Mr. SERAFINI. Mr. Speaker, relative to that, if I am not mistaken, an out-of-State bank holding company can only acquire one bank within the State of Pennsylvania. What I am trying to do with this amendment is, it would not limit the Pennsylvania bank holding companies from acquiring other banks if those other banks approved and wanted to be acquired. What it would do is put some restriction on a takeover that was not agreed to. If the previous speaker could address that out-of-State bank question, I would appreciate it. I am not certain as to whether they can take over more than one State bank in Pennsylvania or not. I thought it was one.

The SPEAKER. The gentleman, Mr. O'Donnell, indicates he will stand for interrogation. The gentleman, Mr. Serafini, should address his question to the Chair for Mr. O'Donnell to answer.

Mr. SERAFINI. Mr. Speaker, is it true that an out-of-State bank holding company can only acquire one bank within the State of Pennsylvania?

Mr. O'DONNELL. No, sir, not to the best of my knowledge. And the scheme by which you can acquire it is determined by Federal law. To be perfectly frank with you, I am not sure what the exact details of that scheme are.

Mr. SERAFINI. Well, in that case, getting back to this amendment, what I have explained is just the fact that I would like to restrict the holding companies from their ability to have an unfriendly takeover.

The SPEAKER. The Chair recognizes the gentleman from Fayette, Mr. Taylor.

Mr. TAYLOR. I rise to oppose the amendment. I think that there are sufficient protections and safeguards. I think this is another attempt to put antitrust legislation through, and we should oppose it. Thank you.

On the question recurring,
Will the House agree to the amendments?

The following roll call was recorded:

YEAS—52

Belardi	Foster, Jr., A.	McCall	Sirianni
Blaum	Geist	Madigan	Smith, B.
Caltagirone	Gruitza	Morris	Stevens
Cappabianca	Hoeffel	Mrkonic	Stuban
Cawley	Hutchinson, A.	Noye	Telek
Clark	Hutchinson, W.	Petrarca	Tigue
Cordisco	Johnson	Phillips	Trello

Cunningham	Klingaman	Pitts	Wargo
DeWeese	Kolter	Pratt	Wilson
Davies	Kowalshyn	Punt	Wozniak
Dawida	Kukovich	Ritter	
Dininni	Livengood	Rybak	Ryan,
Dorr	Lloyd	Serafini	Speaker
Foster, W. W.	Lucyk		

NAYS—140

Anderson	Fischer	McIntyre	Salvatore
Armstrong	Frazier	McMonagle	Saurman
Arty	Freind	McVerry	Seventy
Barber	Fryer	Mackowski	Showers
Belfanti	Gallagher	Maiale	Shupnik
Beloff	Gallen	Manderino	Sieminski
Borski	Gamble	Manmiller	Smith, E. H.
Bowser	Gannon	Marmion	Smith, L. E.
Boyes	George	Merry	Snyder
Brandt	Gladeck	Michlovic	Spencer
Burd	Grabowski	Micozzie	Spitz
Burns	Greenfield	Miller	Stairs
Cessar	Greenwood	Miscevich	Steighner
Cimini	Grieco	Moehlmann	Stewart
Civera	Gruppo	Mowery	Swaim
Clymer	Hagarty	Mullen	Sweet
Cochran	Haluska	Murphy	Swift
Cohen	Hasay	Nahill	Taddonio
Colaifella	Hayes	O'Donnell	Taylor, E. Z.
Cole	Heiser	Olasz	Taylor, F. E.
Cornell	Honaman	Oliver	Van Horne
Coslett	Horgos	Pendleton	Vron
Cowell	Itkin	Perzel	Wachob
DeMedio	Jackson	Peterson	Wambach
DeVertter	Kanuck	Petrone	Wass
Daikeler	Kennedy	Piccola	Wenger
Deal	Lashinger	Pievsky	Weston
Dietz	Laughlin	Pistella	Wiggins
Dombrowski	Lehr	Pott	Williams, H.
Donatucci	Lescovitz	Rappaport	Williams, J. D.
Duffy	Letterman	Rasco	Wogan
Durham	Levi	Reber	Wright, D. R.
Evans	Levin	Richardson	Wright, J. L.
Fargo	Lewis	Rieger	Wright, R. C.
Fec	McClatchy	Rocks	Zwinkl

NOT VOTING—4

Bittle	Brown	Gray	Harper
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EXCUSED—6

Alden	Emerson	Irvis	Pucciarelli
Berson	Fleck		

The question was determined in the negative, and the amendments were not agreed to.

REMARKS ON VOTE

The SPEAKER. For what purpose does the gentleman from Berks, Mr. Brown, rise?

Mr. BROWN. Mr. Speaker, my switch malfunctioned, and I would like to be voted in the affirmative on amendment A4901 to HB 1889.

The SPEAKER. The remarks of the gentleman will be spread upon the record.

CONSIDERATION OF HB 1889 CONTINUED

On the question recurring,
Will the House agree to the bill on third consideration as amended?

Mr. SERAFINI offered the following amendments No. A4847:

Amend Sec. 1 (Sec. 114), page 2, line 1, by striking out "As used in this section:" and inserting

The following words and phrases when used in this section shall have the meanings given to them in this subsection:

Amend Sec. 1 (Sec. 114), page 2, lines 5 and 6, by striking out "including, without limitation, its provisions" in line 5 and all of line 6 and inserting

as modified by the provisions of this act.

(ii) "Control" —the ownership, control or ability to vote directly or indirectly ten percent of any class of voting securities of any institution or the ability to control in any manner the election of a majority of the directors or trustees of an institution or the ability to directly or indirectly exercise a controlling influence over the management or policies of an institution.

Amend Sec. 1 (Sec. 114), page 2, line 7, by striking out "(ii)" and inserting

(iii)

Amend Sec. 1 (Sec. 114), page 2, line 10, by striking out "(iii)" and inserting

(iv)

Amend Sec. 1 (Sec. 114), page 2, by inserting between lines 23 and 24

(iii) No bank holding company may directly or indirectly own, control or have power to vote more than ten percent of any class of voting securities of any institution.

On the question,

Will the House agree to the amendments?

The SPEAKER. The Chair recognizes the gentleman from Lackawanna, Mr. Serafini.

Mr. SERAFINI. Mr. Speaker, what I am attempting to do with this amendment is restrict a bank holding company to 10 percent of the outstanding shares of those banks which it wishes to acquire. I am doing this in the sense that a restriction at this time would leave way for opening it up in the future by the legislature. But I believe that the bill currently as it states would give unlimited power to holding companies to acquire as many banks as they would like in 8 years, and this restriction would stop that holding of more than 10 percent of the outstanding stocks of those companies wishing to be acquired.

The SPEAKER. The Chair recognizes the gentleman from Jefferson, Mr. Smith.

Mr. L. E. SMITH. Here again, Mr. Speaker, this is an attempt to destroy the multibank-holding-company section of the bill, and I would ask for a "no" vote.

The SPEAKER. The Chair recognizes the gentleman from Fayette, Mr. Taylor.

Mr. TAYLOR. I concur with my colleague on the other side, and I would ask for a negative vote. Thank you, Mr. Speaker.

On the question recurring,

Will the House agree to the amendments?

The following roll call was recorded:

YEAS—62

Belardi	Dorr	Laughlin	Ritter
Belfanti	Foster, W. W.	Livengood	Salvatore
Blaum	Foster, Jr., A.	Lloyd	Serafini
Caltagirone	Geist	Lucyk	Shupnik
Cappabianca	Gruitza	McCall	Smith, B.
Cawley	Haluska	Mackowski	Stevens
Clark	Hasay	Madigan	Stewart
Colafella	Hayes	Michlovic	Telek
Cordisco	Hoeffel	Moehlmann	Tigue
Coslett	Hutchinson, A.	Morris	Trello
Cunningham	Hutchinson, W.	Mrkonic	Wachob
DeVerter	Kanuck	Noye	Wargo
DeWeese	Klingaman	Pistella	Wass
Davies	Kolter	Pitts	Wenger
Dietz	Kowalyszyn	Punt	Williams, H.
Diinni	Kukovich		

NAYS—128

Anderson	Fryer	Manmiller	Showers
Armstrong	Gallagher	Marmion	Sieminski
Arty	Gallen	Merry	Sirianni
Barber	Gamble	Micozzie	Smith, E. H.
Beloff	Gannon	Miller	Smith, L. E.
Bittle	George	Miscevich	Snyder
Borski	Gladeck	Mowery	Spencer
Bowser	Grabowski	Mullen	Spitz
Boyes	Greenfield	Murphy	Stairs
Brandt	Greenwood	Nahill	Steighner
Burd	Grieco	O'Donnell	Stuban
Burns	Gruppo	Olasz	Swaim
Cessar	Hagarty	Oliver	Sweet
Cimini	Heiser	Pendleton	Swift
Civera	Honaman	Perzel	Taddonio
Clymer	Horgos	Peterson	Taylor, E. Z.
Cochran	Itkin	Petrarca	Taylor, F. E.
Cohen	Jackson	Petrone	Van Horne
Cole	Johnson	Phillips	Vroon
Cornell	Kennedy	Piccola	Wambach
Cowell	Lashingier	Pievsky	Weston
DeMedio	Lehr	Pott	Wiggins
Dawida	Lescovitz	Pratt	Williams, J. D.
Deal	Letterman	Rappaport	Wilson
Dombrowski	Levi	Rasco	Wogan
Donatucci	Levin	Reber	Wozniak
Duffy	Lewis	Richardson	Wright, D. R.
Durham	McClatchy	Rieger	Wright, J. L.
Fargo	McIntyre	Rocks	Zwinkl
Fee	McMonagle	Rybak	
Fischer	McVerry	Saurman	Ryan,
Frazier	Maiiale	Seventy	Speaker
Freind	Manderino		

NOT VOTING—6

Brown	Evans	Harper	Wright, R. C.
Daikeler	Gray		

EXCUSED—6

Alden	Emerson	Irvis	Pucciarelli
Berson	Fleck		

The question was determined in the negative, and the amendments were not agreed to.

REMARKS ON VOTE

The SPEAKER. The Chair recognizes the gentleman from Berks, Mr. Brown.

Mr. BROWN. Mr. Speaker, the same problem, malfunction. I wanted to vote "no."

The SPEAKER. The remarks of the gentleman will be spread upon the record.

CONSIDERATION OF HB 1889 CONTINUED

On the question recurring,

Will the House agree to the bill on third consideration as amended?

Mr. RICHARDSON offered the following amendments No. A4872:

Amend Title, page 1, line 16 by inserting after "acts," " " providing for a fixed holiday on January 15,

Amend Sec. 1, page 1, line 25 by striking out "The" and inserting

Section 113,

Amend Sec. 1, page 1, lines 26 and 27 by striking out "is amended by adding a section to read:" and inserting amended July 25, 1977 (P.L. 101, No. 37), is amended to read:

Amend Bill, page 1, by inserting between lines 27 and 28

Section 113. Legal Holidays

(a) Fixed holidays—An institution shall observe as a legal holiday:

(i) New Year's Day (January 1);

(i.1) Dr. Martin Luther King, Jr. Day (January 15)

(ii) Memorial Day (the last Monday in May);

(iii) Independence Day (July 4);

(iv) Labor Day (the first Monday in September);

(v) Thanksgiving Day (the fourth Thursday in November);

(vi) Christmas Day (December 25);

(vii) each Sunday;

(viii) each Monday following an Independence Day, a Christmas Day or New Year's Day which occurs on a Sunday; and

(ix) each day specifically appointed by the President of the United States or the Governor of the Commonwealth as a legal holiday or as a bank holiday.

(b) Optional holidays—An institution may at its option observe as a legal holiday:

(i) Lincoln's Birthday (February 12);

(ii) Washington's Birthday (the third Monday in February);

(iii) Good Friday;

(iv) Flag Day (June 14);

(v) Columbus Day (the second Monday in October);

(vi) Election Day (the first Tuesday after the first Monday in November);

(vii) Veterans' Day (November 11);

(viii) each Saturday either as a half-holiday after 12 o'clock noon or as a full holiday;

(ix) each Monday following an Independence Day, a Christmas Day or New Year's Day which occurs on a Saturday; and

(x) each day which the department permits all institutions by public announcement, or an individual institution by written permission, to observe as a legal holiday.

(c) Geographic variations—In designating a permissive optional holiday under subsection (b), the department may limit the designation to particular geographic areas based on political subdivisions, banking classifications such as Federal Reserve districts or otherwise. An institution may observe any optional holiday at one or more, but fewer than all, of its offices.

(d) Effect of section—This effect of a legal holiday under this section shall be that provided by law but this section shall supersede other law as to the determination of days that are legal holidays for banking institutions.

(e) National banks—This section shall apply to offices of national banks located in Pennsylvania except to the extent that Federal law specifically provides otherwise.

Section 2. The act is amended by adding a section to read:
Amend Sec. 2, page 3, line 14 by striking out "2" and inserting

3

Amend Sec. 3, page 5, line 7 by striking out "3" and inserting

4

Amend Sec. 4, page 7, line 24 by striking out "4" and inserting

5

Amend Sec. 5, page 7, line 26 by striking out "5" and inserting

6

Amend Sec. 6, page 8, line 16 by striking out "6" and inserting

7

Amend Sec. 7, page 8, line 18 by striking out "7" and inserting

8

On the question,

Will the House agree to the amendments?

The SPEAKER. The Chair recognizes the gentleman from Philadelphia, Mr. Richardson.

Mr. RICHARDSON. Thank you very much, Mr. Speaker.

Mr. Speaker, I rise to bring to the attention of this House that back in November of 1978 we passed into law—it passed this House and also passed the Senate and was signed at that time by then Governor Shapp—Dr. Martin Luther King's birthday as a State holiday.

We thought we had risen to the occasion to at least reach a landmark in the Commonwealth of Pennsylvania by recognizing Dr. Martin Luther King's birthday as a State holiday. However, there have been several problems when it comes down to that day as far as banks are concerned, that the banks have not at this present time recognized that in all parts of the Commonwealth and in some parts of the city of Philadelphia. Some banks are closed; some banks are open. This amendment here speaks directly to January 15, known as Dr. Martin Luther King Day, that that day shall be a banking holiday, which would then comply with the law that is already State law.

The SPEAKER. On the question of the adoption of the amendment offered by the gentleman, Mr. Richardson, the Chair recognizes the gentleman from Jefferson, Mr. Smith.

Mr. L. E. SMITH. Mr. Speaker, I have a little trouble speaking against this amendment, but I do think that if we are going to do this, this should not be a mandatory holiday; it should be an optional holiday to the banks, the same as Lincoln and Washington and Flag Day and Good Friday and Veterans Day. Those are all optional holidays. What Representative Richardson is asking for here is a mandatory holiday, and I would ask that we vote against that. Perhaps he could offer an amendment to make it an option.

The SPEAKER. The Chair recognizes the gentleman from Fayette, Mr. Taylor.

Mr. TAYLOR. Thank you, Mr. Speaker.

I take a different viewpoint. I rise in support of the amendment. I think Martin Luther King was an outstanding American. I think that we have reserved other holidays. We have already passed it as being a legal holiday. I think we ought to support this amendment and vote in the affirmative. Thank you, Mr. Speaker.

The SPEAKER. The Chair recognizes the gentleman, Mr. Richardson.

Mr. RICHARDSON. I would like to address my attention to the question that the gentleman raised and say that in point No. 9 on page 2 it specifically speaks to and says: "each Monday following an Independence Day, a Christmas Day or New Year's Day which occurs on a Saturday; and...." So it clarifies that we are talking about the Monday when that particular holiday falls into accordance with the law under Martin Luther King's birthday of January 15.

On the question recurring,
Will the House agree to the amendments?

The following roll call was recorded:

YEAS—87

Barber	Gallagher	McMonagle	Shupnik
Belfanti	Gamble	Maiale	Steighner
Beloff	George	Manderino	Stevens
Blaum	Grabowski	Miscevich	Stewart
Borski	Greenfield	Morris	Swaim
Brown	Gruitza	Mullen	Sweet
Burns	Haluska	Murphy	Swift
Caltagirone	Harper	O'Donnell	Taylor, F. E.
Cappabianca	Hoeffel	Olasz	Trello
Clark	Hutchinson, A.	Oliver	Van Horne
Cohen	Hutchinson, W.	Pendleton	Wachob
Colafella	Itkin	Petrarca	Wambach
Cole	Kolter	Pievsky	Wargo
Cordisco	Kowalshyn	Pistella	Wiggins
Cowell	Kukovich	Pratt	Williams, H.
DeMedio	Lashinger	Rappaport	Williams, J. D.
DeWeese	Laughlin	Richardson	Wilson
Dawida	Lescovitz	Rieger	Wozniak
Deal	Levin	Ritter	Wright, D. R.
Dombrowski	Livengood	Rybak	Wright, R. C.
Donatucci	McCall	Serafini	Zwinkl
Fee	McIntyre	Seventy	

NAYS—106

Anderson	Foster, W. W.	Lloyd	Rocks
Armstrong	Foster, Jr., A.	Lucyk	Salvatore
Arty	Frazier	McClatchy	Saurman
Belardi	Freind	McVerry	Showers
Bittle	Fryer	Mackowski	Sieminski
Bowser	Gallen	Madigan	Sirianni
Boyes	Gannon	Manmiller	Smith, B.
Brandt	Geist	Marmion	Smith, E. H.
Burd	Gladeck	Merry	Smith, L. E.
Cawley	Greenwood	Michlovic	Snyder
Cessar	Grieco	Micozzie	Spencer
Cimini	Gruppo	Miller	Spitz
Civera	Hagarty	Mochlmann	Stairs
Clymer	Hasay	Mowery	Stuban
Cochran	Hayes	Mrkonic	Taddonio
Cornell	Heiser	Nahill	Taylor, E. Z.
Coslett	Honaman	Noye	Telek
Cunningham	Horgos	Perzel	Tigue
DeVerter	Jackson	Peterson	Vroon
Daikeler	Johnson	Petrone	Wass
Davies	Kanuck	Phillips	Wenger
Dietz	Kennedy	Piccola	Weston
Dininni	Klingaman	Pitts	Wogan
Dorr	Lehr	Pott	Wright, J. L.
Durham	Letterman	Punt	
Fargo	Levi	Rasco	Ryan,
Fischer	Lewis	Reber	Speaker

NOT VOTING—3

Duffy	Evans	Gray
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EXCUSED—6

Alden	Emerson	Irvis	Pucciarelli
Berson	Fleck		

The question was determined in the negative, and the amendments were not agreed to.

On the question recurring,

Will the House agree to the bill on third consideration as amended?

Mr. NOYE offered the following amendments No. A4643:

Amend Sec. 1 (Sec. 114), page 2, line 17, by striking out "control" and inserting

own more than five percent of the voting shares of

Amend Sec. 1 (Sec. 114), page 2, by inserting between lines 17 and 18

(ii) No Pennsylvania bank holding company may own more than five percent of the voting shares in more than eight institutions.

Amend Sec. 1 (Sec. 114), page 2, line 18, by striking out "(ii)" and inserting

(iii)

Amend Sec. 1 (Sec. 114), page 2, line 21, by striking out "four" and inserting

two

Amend Sec. 1 (Sec. 114), page 2, lines 21 and 22, by striking out "for a period of four years following such initial four-year period" and inserting

thereafter

Amend Sec. 1 (Sec. 114), page 2, line 23, by striking out "eight" and inserting

four

On the question,
Will the House agree to the amendments?

The SPEAKER. The Chair recognizes the gentleman from Perry, Mr. Noye.

Mr. NOYE. Thank you, Mr. Speaker.

These amendments place restrictions on the ability of the holding companies to control the operations of the banks which they have acquired. One, it would limit bank holding companies to 5 percent of the voting shares of a national bank. The second limitation would limit Pennsylvania bank holding companies to 5 percent of the voting shares in no more than eight national banks. The third limitation would be a bank holding company to two national banks during the first 4 years, and thereafter no more than four national banks.

The SPEAKER. The Chair recognizes the gentleman from Jefferson, Mr. Smith.

Mr. L. E. SMITH. Mr. Speaker, the first part of the amendment is another attempt to destroy the holding-company concept. Let me just say for the purpose of clarification regarding the second portion of this amendment, the two 4-year phase-in periods and the population figures that are used in the legislation are a result of many years of compromise. These are the numbers—they probably are not perfect, but they are the numbers—that most people accepted, so I would ask on the basis of that, Mr. Speaker, for a "no" vote on this amendment.

The SPEAKER. The Chair recognizes the gentleman from Fayette, Mr. Taylor.

Mr. TAYLOR. Thank you, Mr. Speaker.

I also rise to oppose this amendment. The House just turned down a more liberal form of an amendment that would have allowed 10 percent. This is a much more restrictive one. I do not think it is the right thing to do to the bill. Therefore, I would ask that we turn it down.

On the question recurring,

Will the House agree to the amendments?

The following roll call was recorded:

YEAS—60

Belardi	Fee	Livengood	Serafini
Belfanti	Foster, W. W.	Lloyd	Shupnik
Burns	Foster, Jr., A.	McCall	Sirianni
Caltagirone	Fryer	Mackowski	Steighner
Cawley	Geist	Madigan	Stewart
Clark	George	Manderino	Swift
Coslett	Gruitza	Moehlmann	Telek
Cunningham	Hasay	Morris	Tigue
DeVerter	Hayes	Mrkonic	Wachob
DeWeese	Kanuck	Noye	Wargo
Davies	Klingaman	Petrarca	Wass
Dietz	Kolter	Pistella	Williams, H.
Dininni	Kowalshyn	Pitts	Wozniak
Dorr	Kukovich	Punt	Wright, D. R.
Fargo	Laughlin	Ritter	Zwilk

NAYS—129

Anderson	Frazier	McIntyre	Salvatore
Armstrong	Freind	McMonagle	Saurman
Arty	Gallagher	McVerry	Seventy
Barber	Gallen	Maiale	Showers
Beloff	Gamble	Manmiller	Sieminski
Bittle	Gannon	Marmion	Smith, B.
Blaum	Gladeck	Merry	Smith, E. H.
Borski	Grabowski	Michlovic	Smith, L. E.
Bowser	Greenfield	Micozzie	Snyder
Boyes	Greenwood	Miller	Spencer
Brandt	Grieco	Miscevich	Spitz
Brown	Gruppo	Mowery	Stairs
Burd	Hagarty	Mullen	Stevens
Cappabianca	Haluska	Murphy	Stuban
Cessar	Harper	Nahill	Swaim
Cimini	Heiser	O'Donnell	Sweet
Civera	Hoeffel	Olasz	Taddonio
Clymer	Honaman	Oliver	Taylor, E. Z.
Cochran	Horgos	Pendleton	Taylor, F. E.
Cohen	Hutchinson, A.	Perzel	Trello
Colafella	Itkin	Peterson	Van Horne
Cole	Jackson	Petrone	Vroon
Cordisco	Johnson	Phillips	Wambach
Cornell	Kennedy	Piccola	Weston
Cowell	Lashinger	Pievsky	Wiggins
DeMedio	Lehr	Pott	Williams, J. D.
Daikeler	Lescovitz	Rappaport	Wogan
Dawida	Letterman	Rasco	Wright, J. L.
Deal	Levi	Reber	Wright, R. C.
Donatucci	Levin	Richardson	
Duffy	Lewis	Rieger	Ryan,
Durham	Lucyk	Rocks	Speaker
Fischer	McClatchy	Rybak	

NOT VOTING—7

Dombrowski	Gray	Pratt	Wilson
Evans	Hutchinson, W.	Wenger	

EXCUSED—6

Alden	Emerson	Irvis	Pucciarelli
Berson	Fleck		

The question was determined in the negative, and the amendments were not agreed to.

On the question recurring,

Will the House agree to the bill on third consideration as amended?

Mr. DAVIES offered the following amendments No. A4870:

Amend Sec. 1 (Sec. 114), page 2, line 23, by removing the period after "institutions" and inserting

, and provided that a Pennsylvania bank holding company shall not control an institution which is in any city, incorporated town, township or borough having a population of fifteen thousand or less where the principal place of business of any other institution or national bank is located or which is contiguous or bicontiguous to any other city, incorporated town, township or borough having a population of fifteen thousand or less where the principal place of business of any other institution or national bank is located.

Amend Sec. 3 (Sec. 904), page 6, line 5, by inserting after "thereto."

Provided further after such merger, consolidation or conversion, no branches shall be located in a bicontiguous county, in any city, incorporated town, township or borough having a population of fifteen thousand or less where the principal place of business of any other institution or national bank is located or which is contiguous or bicontiguous to any other city, incorporated town, township or borough having a population of fifteen thousand or less where the principal place of business of any other institution or national bank is located.

Amend Sec. 3 (Sec. 904), page 7, lines 3 and 4, by striking out "for a period of four years after the effective date of this act,"

Amend Sec. 3 (Sec. 904), page 7, line 8, by removing the period after "located" and inserting

or which is contiguous or bicontiguous to any other city, incorporated town, township or borough having a population of fifteen thousand or less where the principal place of business of any other institution or national bank is located.

Amend Sec. 3 (Sec. 904), page 7, lines 8 through 14, by striking out "Four years" in line 8 and all of lines 9 through 14, by striking out all of said lines

Amend Sec. 3 (Sec. 904), page 7, lines 20 through 23, by striking out all of said lines

On the question,

Will the House agree to the amendments?

The SPEAKER. The Chair recognizes the gentleman from Berks, Mr. Davies.

Mr. DAVIES. Thank you, Mr. Speaker.

This amendment would provide that any Pennsylvania bank holding company could not control an institution within a city, incorporated town, township, or borough having a population of 15,000 or less where that existing institution or principal place of business of the institution of a national bank or other bank is now located. That would include contiguous or bicontiguous to any other city, incorporated town, township, or borough having a population of 15,000 or less where that principal place of business now exists of that same institution, that national bank or a local bank. It would go on further that after any merger, consolidation, or conversion, no branches could be located in that bicontiguous county or in

any city, incorporated township, or municipality having a population of 15,000 or less, and that is exactly again as above, where the principal place of business or any other institution or national bank now exists. This, of course, would apply to those small banks that now serve in my area a population of 15,000 or less.

I think it is imperative to the bill that we establish this as a basic principle, because I feel it would be the very existence or guarantee the existence of those small banks now that are serving relatively small communities in the 129th legislative district as well as the rest of the balance of the State, and also addresses itself not to just those small communities but the equally small communities that surround that small community in which that bank is now serving.

I imagine, I guess, I will again have to cite personal reasons for this, because I myself was only ever able to be able to ascertain or gain a mortgage through a small bank in a small community. Again I think that the need for them to continue to have that protection against what I call possible monopolistic practices that could result from the creation of the monstrous banking interests that may be created someplace in the future, I want to be able that my children and my grandchildren can be afforded the same opportunity that I was able to exercise by getting that mortgage from a small bank after being denied that same mortgage money from a large bank. I do not want to go through that again and I do not want to have any of the posterity be subject to that same thing, so, therefore, I offer this amendment in that sort of protection. I think also rurally as far as the need of the farm community, those farm communities would be served better by the protection and the guarantee of those particular institutions. Thank you, Mr. Speaker.

The SPEAKER. The Chair recognizes the gentleman from Jefferson, Mr. Smith.

Mr. L. E. SMITH. Mr. Speaker, as I stated before, the numbers and the years that we have in this bill, both population and years, were the result of a long compromise. We could stay here for 3 days changing the numbers, changing the number of years, changing the number of acquisitions, changing the population, but the one we have in the bill is what has been agreed to by most people, and I would urge a "no" vote on this amendment.

The SPEAKER. The Chair recognizes the gentleman from Fayette, Mr. Taylor.

Mr. TAYLOR. Thank you, Mr. Speaker.

I concur with my colleague on the other side. He is absolutely right. I think we ought to turn this amendment down and vote in the negative.

The SPEAKER. The Chair recognizes the gentleman from Berks, Mr. Davies.

Mr. DAVIES. In answer to both gentlemen, I was never any part of that particular compromise, nor would I intend to be a part of that compromise, because again I say that the matter of largeness is not good - it is not good for our rural communities; it is not good for the likes of me who had to get the favor of a small bank. For years I dealt with those larger banks outside of that community. I shopped the market

moneys for moneys and markets at those particular times. I would continue to do so, but when we start talking about the very essence of the need of those particular communities today, I do not think they are going to be served by that compromise of either chairman, the majority or minority chairman, and I am talking about those that served me in the past, and I can only speak to that experience. In 8 years when they kick the lid off this thing, I do not see that that would hold water one way or the other, so I am only asking for what I think is to be fair and equitable protection, and the very existence of those particular banks that have served my needs and are currently serving the needs of the people in those communities, particularly the agricultural community. Thank you, Mr. Speaker.

The SPEAKER. The Chair recognizes the gentleman from Greene, Mr. DeWeese.

Mr. DeWEESE. Mr. Speaker, I rise to support the Davies amendment. Greene County, which I represent, has no governmental entity in excess of 5,000, except the county itself. The boroughs and townships that I represent are small - 1,000, 1,500, 2,000. We have gotten along for a long time without Mellon Bank; we have gone a long time without PNB (Pittsburgh National Bank) and Equibank. I think that what Mr. Davies is trying to do is reach a compromise. Mellon Bank and PNB can go down to Representative Sweet's district and do what they want to in some of the bigger townships and some of the bigger boroughs. We are not trying to stop that; we are just trying to hold the line. We want a compromise; we do not want to go all the way.

In summation and very briefly, I support Mr. Davies; I support his compromise. I think that if this measure is allowed to pass, the larger banks in Pennsylvania will realize some gain, will realize some financial aggrandizement, some growth, some betterment. But if this amendment is incorporated into the bill, the effects upon Greene County, the effects upon the smaller areas of the State, will certainly not be as deleterious as they will be if it is not accepted. I urge support of the Davies amendment. Thank you.

The SPEAKER. The Chair recognizes the gentleman from Somerset, Mr. Lloyd.

Mr. LLOYD. Thank you, Mr. Speaker.

Very briefly, I rise in support of the Davies amendment. I, too, with the gentleman, Mr. Davies, was not a party to this compromise that has apparently been worked out, and I suggest that the compromise was made among people who supported the bill.

This amendment is a way to give everybody something. Those people who honestly believe in getting bigger banks out into the rural part of the State get to do that, because in most areas of the State, very close to every community, they are going to be able to locate in a community of more than 15,000 people. But it also means that the small banks will have some protection, so that in the small towns, those people who do not feel the need to go to Merrill Lynch but who want to get a loan for their coal company or want to get a loan for their farm, who want something that has some risk involved, will be guaranteed that there is still going to be that friendly

banker on the corner who will take care of them. I ask that we pass the Davies amendment.

On the question recurring,
Will the House agree to the amendments?

(A roll-call vote was taken.)

VOTE RETAKEN

The SPEAKER. It is the understanding of the Chair that the last vote did not properly record. For that reason the vote will be taken again. That is the vote on HB 1889, amendment A4870, offered by the gentleman, Mr. Davies.

On the question recurring,
Will the House agree to the amendments?

The following roll call was recorded:

YEAS—83

Armstrong	Fryer	Mackowski	Rybak
Belardi	Geist	Madigan	Salvatore
Belfanti	George	Manderino	Saurman
Burd	Gruitza	Manmiller	Serafini
Caltagirone	Haluska	Michlovic	Seventy
Cawley	Hasay	Moehlmann	Shupnik
Clark	Hayes	Morris	Smith, B.
Cole	Hutchinson, W.	Mrkonic	Smith, E. H.
Coslett	Jackson	Noye	Snyder
Cunningham	Johnson	Olasz	Steighner
DeVerter	Kanuck	Oliver	Stewart
DeWeese	Klingaman	Perzel	Stuban
Daikeler	Kolter	Peterson	Swift
Davies	Kowalshyn	Petrarca	Telek
Dietz	Kukovich	Phillips	Tigue
Dininni	Laughlin	Pistella	Wambach
Dorr	Letterman	Pitts	Wargo
Fargo	Livengood	Pratt	Wass
Fee	Lloyd	Punt	Wenger
Foster, W. W.	Lucyk	Rasco	Wilson
Foster, Jr., A.	McCall	Ritter	

NAYS—112

Anderson	Durham	Lewis	Sirianni
Arty	Evans	McClatchy	Smith, L. E.
Barber	Fischer	McIntyre	Spencer
Beloff	Frazier	McMonagle	Spitz
Bittle	Freind	McVerry	Stairs
Blaum	Gallagher	Maiale	Stevens
Borski	Gallen	Marmion	Swain
Bowser	Gamble	Merry	Sweet
Boyes	Gannon	Micozzie	Taddonio
Brandt	Gladeck	Miller	Taylor, E. Z.
Brown	Grabowski	Miscevich	Taylor, F. E.
Burns	Greenfield	Mowery	Trello
Cappabianca	Greenwood	Mullen	Van Horne
Cessar	Grieco	Murphy	Vroon
Cimini	Gruppo	Nahill	Wachob
Civera	Hagarty	O'Donnell	Weston
Clymer	Harper	Pendleton	Wiggins
Cochran	Heiser	Petrone	Williams, H.
Cohen	Hoeffel	Piccola	Williams, J. D.
Colafella	Honaman	Pievsky	Wogan
Cordisco	Horgos	Pott	Wozniak
Cornell	Hutchinson, A.	Rappaport	Wright, D. R.
Cowell	Itkin	Reber	Wright, J. L.
DeMedio	Kennedy	Richardson	Wright, R. C.
Dawida	Lashinger	Rieger	Zwinkl
Deal	Lehr	Rocks	
Dombrowski	Lescovitz	Showers	Ryan,
Donatucci	Levi	Sieminski	Speaker
Duffy	Levin		

NOT VOTING—1

Gray

EXCUSED—6

Alden	Emerson	Irvis	Pucciarelli
Berson	Fleck		

The question was determined in the negative, and the amendments were not agreed to.

MOTION TO RECOMMIT

The SPEAKER. The Chair recognizes the gentleman from Carbon, Mr. McCall.

Mr. McCALL. Mr. Speaker, I make a motion that this bill be recommitted to the Business and Commerce Committee for the purpose of public hearings, based on the fact that we have had intervening business.

The SPEAKER. On the floor of the House is the motion of the gentleman from Carbon, Mr. McCall, who moves that HB 1889 be recommitted to the Committee on Business and Commerce, with the committee instructed to hold public hearings.

On the question,
Will the House agree to the motion?

The SPEAKER. The Chair would point out that the reason it is entertaining this motion is because this motion differs from the one offered by the gentleman, Mr. Armstrong, not because of any intervening business.

The Chair recognizes the gentleman, Mr. McCall.

Mr. McCALL. Thank you, Mr. Speaker.

I think it is quite clear that this bill needs some work, that it does need to be focused on in public hearings, the fact that we need input from the business community as well as the banking community. I cannot express it any more than we have on this floor with the amendments that are being offered. I urge you to support this recommittal so that we may have the public hearings, that we may have the public input, that we may have the public input and the business input along with the industry input. I urge your support of this proposal.

The SPEAKER. The Chair recognizes the gentleman from Jefferson, Mr. Smith.

Mr. L. E. SMITH. Mr. Speaker, I rise to oppose the motion to recommit. We are well along with our work here, and I think we should continue and reject this move to recommit.

The SPEAKER. The Chair recognizes the gentleman from Fayette, Mr. Taylor.

Mr. TAYLOR. Thank you, Mr. Speaker.

I, too, rise to join the opposition to recommit. I think that we are well along on our way to taking care of the matters. Every amendment that has been brought before us practically has received a substantial negative vote. I think substantially we did address the question that is now before us in a similar vote. I would urge everyone to vote in the negative. Thank you very much, Mr. Speaker.

The SPEAKER. The Chair recognizes the gentleman from Dauphin, Mr. Dininni.

Mr. DININNI. Mr. Speaker, I was not going to rise on this issue, but I am compelled to. I want every member of this House to know first of all, whether you think it is a conflict of interest or not, I am a president of an independent bank, but I heard arguments both ways, especially the argument that there is nothing that we can learn from public hearings. This is false, absolutely false. I think every member in this chamber deserves the information. I think you should know your big banks and your small banks. How many mortgages have the large banks put out in your area? Do you know? No. Public hearings would reveal that. How many student loans have the large banks issued in your area versus the independent banks? I think you are going to find, right down the line, that it is the independent banks that have been taking care of the community needs.

I also heard that the small banks invest their money in Federal securities. True, because they are compelled to by law to a certain extent, but I also would like the membership here to know and look at the portfolio of your large banks versus the small banks, what percentage of loans have they been issuing, and you will find the small banks are up to their maximum.

The SPEAKER. Will the gentleman yield.

Will the gentleman confine his remarks to the motion to recommit, please?

Mr. DININNI. I think I am addressing the recommittal motion. I am only explaining what advantages and disadvantages would come from a public hearing, so I would ask each member—I will quit at that—to vote to recommit for public hearings so that all of us have the full knowledge of what is going on.

The SPEAKER. The Chair recognizes the gentleman from Lawrence, Mr. Pratt.

Mr. PRATT. At the risk of being redundant, Mr. Speaker, I rise to support Representative McCall's motion. I think that the vote taken on Representative Ritter's amendment to a motion then on the floor was sufficiently close to merit Representative McCall's motion. I believe that sufficient members in this House have questions about this bill which can be answered with public hearings. Every legislator in this body has a responsibility to cast an educated vote on such a bill. I do not believe that the votes that have been cast heretofore on these amendments have been educated. If this bill were to become law and would have detrimental effects on our districts, the public would be justified in reflecting its displeasure at the polls, if you do not cast an educated vote on this bill.

I ask you to support this motion. If we have public hearings and we have a bill in place in committee that has gone through public hearings, has been exposed to amendments, I will vote to report the bill out to the floor so that we can then consider that bill. Thank you, Mr. Speaker.

The SPEAKER. The Chair recognizes the gentleman from Washington, Mr. Sweet.

Mr. SWEET. Mr. Speaker, I rise to oppose the motion to recommit. It seems to me that we have spent several hours discussing and thrashing about this issue. There is more information available to more members of this House today on this

bill than almost any bill I can remember. Our mails have been inundated. We have had many conversations with people. The information is there and available. If the bill is recommitted, the Business and Commerce Committee members, a committee I am not on, will go off and have a public hearing. They will hear from the same people we have all heard from. They will elicit the same information. None of the rest of us will be there, and we will be right back here again talking about the bill at 7 or 8 o'clock in the evening, and we will have the same exact information.

I oppose the motion to recommit. I think that we should go ahead and vote on this matter. Thank you.

The SPEAKER. The Chair recognizes the gentleman from Greene, Mr. DeWeese.

Mr. DeWEESE. Mr. Speaker, I urge recommitment. Thanksgiving is just around the corner. If this measure becomes law, the big banks of Pennsylvania will gorge on a gargantuan turkey. It is the people of this Commonwealth who will be plucked.

The SPEAKER. The Chair recognizes the gentleman from Centre, Mr. Letterman.

Mr. LETTERMAN. Thank you, Mr. Speaker.

Mr. Speaker, I rise to oppose this motion for a lot of reasons. I have heard some people, who say they are presidents of independent little banks, tell us how many loans they give out. Let me also remind you that they are only run by a few people, and in a small community, if one of those few people happens to dislike you, I guarantee you will not get a loan very easily.

The SPEAKER. Will the gentleman yield.

The question before the House is the motion by the gentleman, Mr. McCall, to recommit the bill.

Mr. LETTERMAN. I would just like to say that on recommitment, we have had the information sent to us, and I think all of them have put their advertisements in the paper to tell us exactly why they like it or why they do not like it.

I do not want to recommit the bill. I want to vote it now. I think all of us are just about filled to the top with the people giving us information on this bill. I do not know where the people are who have not gotten it, but it certainly has been on your desk to read in every form that you can find, so I do not know what else you are expecting to gain from it. You are not going to get the people from the street here to testify. You are going to have the banks there loaded up telling you what you are going to hear right now, what you have already heard. So I say we vote the bill now. Thank you.

The SPEAKER. The Chair recognizes the gentleman from Mifflin, Mr. DeVerter.

Mr. DeVERTER. Thank you, Mr. Speaker.

I was wondering, Mr. Speaker, if it were possible to get a tape from last week's debate on another less controversial issue than statewide banking and have it played back at this time.

I voted then not to recommit, and I voted today not to recommit, and quite frankly, Mr. Speaker, I am not supportive of this measure, but the simple fact remains, it is before us. We have gone through better than 2 hours of amend-

ments. I think we ought to complete our work so that we can get on with the business that we have to transpire tomorrow, which I understand will be rather long and lengthy.

I would ask the members, as I did in our caucus, to consider the fact that these issues do not go away; they just keep coming back. As Representative Sweet pointed out, the only new knowledge we gain is from the same interest groups in public hearings as we have all heard from, and I think it is a poor trick to play on the people and those who are involved, regardless of which side you are on, to continue to play that trick and not face up to our legislative responsibility, and I would urge you to vote "no" on recommittal. Thank you, Mr. Speaker.

The SPEAKER. The Chair recognizes the gentleman from Somerset, Mr. Lloyd.

Mr. LLOYD. Mr. Speaker, time and time again we have heard today that every bit of information that can be gleaned about this bill has been sent out. Now, the gentleman just said that this is somehow akin to what we did last week, and I certainly do not want to violate the Speaker's ruling and get into what we did last week. However, to suggest that we have received as much information about this issue as we had about that issue last week or as we have about the issue we are going to debate tomorrow, I do not know. Maybe I am not getting all of my mail.

Furthermore, Mr. Speaker, it has been said that if we had a hearing, the only people who would be there would be the bankers. Well, that is not true if you invite some other people to come. I can guarantee you, I think almost absolutely, that if you have public hearings you are going to have the State Grange; you are going to have the Pennsylvania Farmers; you are going to have the Pennsylvania farmers' union; you are going to have the REA; and if you invite the right people, you can get some people from the academic community who can help us to dig through this information that the banks give us—most of us are not bankers; we do not know that much about banking—and decide who is right or wrong.

It is certainly not inevitable that the only people who show up will be interested parties, and it is certainly not inevitable that this is somehow akin to other issues which have been on our calendar for months and months and months. This bill was considered on Columbus Day. A little over 1 month later, we are running it on the floor of the House with no clear indication as to what the hurry is.

Mr. Speaker, I think it is absolutely clear if this bill goes back to committee and there are hearings, the bill is going to come back to the floor. And so be it. But it is going to come back to the floor with some information that can help people to know what they are voting on, and I do not see anything wrong with that, Mr. Speaker, and I think we ought to recommit this bill. Thank you.

The SPEAKER. The Chair recognizes the gentleman from Beaver, Mr. Laughlin.

Mr. LAUGHLIN. Mr. Speaker, very briefly, I have listened to a lot of the members state that they need input and others who state that they have had an ample supply of every input possible. Mr. Speaker, it is the same kind of informa-

tion that says that you have all the input possible that has generated the loopholes in our banking laws that the banking interests are trying to drive a truck through today by altering and amending those particular provisions to their own liking.

Mr. Speaker, I urge the members to consider this. I am voting on final passage for this legislation, but, Mr. Speaker, I believe it does need that additional information from outside sources that are available to knock off the possibilities of the loopholes and the interpretations that are within this bill right now. I ask for an affirmative vote, Mr. Speaker.

On the question recurring,
Will the House agree to the motion?

The following roll call was recorded:

YEAS—76

Armstrong	Fargo	McCall	Serafini
Belardi	Fee	Mackowski	Shupnik
Belfanti	Foster, W. W.	Madigan	Smith, B.
Blaum	Fryer	Manderino	Steighner
Brown	Geist	Manmiller	Stewart
Burd	George	Michlovic	Stuban
Caltagirone	Haluska	Morris	Swift
Cawley	Harper	Mrkonic	Telek
Clark	Hasay	Noye	Tigue
Clymer	Hoeffel	Olasz	Trello
Colafella	Johnson	Petrarca	Vroon
Cole	Klingaman	Petrone	Wachob
Coslett	Kolter	Phillips	Wambach
DeMedio	Kowalshyn	Pitts	Wargo
DeWeese	Kukovich	Pratt	Wass
Dietz	Laughlin	Punt	Wenger
Dininni	Livengood	Richardson	Williams, H.
Dorr	Lloyd	Ritter	Wilson
Duffy	Lucyk	Salvatore	Wozniak

NAYS—118

Anderson	Foster, Jr., A.	Levin	Rybak
Arty	Frazier	Lewis	Saurman
Barber	Freind	McClatchy	Seventy
Beloff	Gallagher	McIntyre	Showers
Bittle	Gallen	McMonagle	Sieminski
Borski	Gamble	McVerry	Sirianni
Bowser	Gannon	Maiale	Smith, E. H.
Boyes	Gladeck	Marmion	Smith, L. E.
Brandt	Grabowski	Merry	Snyder
Burns	Greenfield	Micozzie	Spencer
Cappabianca	Greenwood	Miller	Spitz
Cessar	Grieco	Miscevich	Stairs
Cimini	Gruitza	Moehlmann	Stevens
Civera	Gruppo	Mowery	Swaim
Cochran	Hagarty	Mullen	Sweet
Cohen	Hayes	Murphy	Taddonio
Cordisco	Heiser	Nahill	Taylor, E. Z.
Cornell	Honaman	O'Donnell	Taylor, F. E.
Cowell	Horgos	Pendleton	Van Horne
Cunningham	Hutchinson, A.	Perzel	Weston
DeVerter	Hutchinson, W.	Peterson	Wiggins
Daikeler	Itkin	Piccola	Williams, J. D.
Davies	Jackson	Pievsky	Wogan
Dawida	Kanuck	Pistella	Wright, D. R.
Deal	Kennedy	Pott	Wright, J. L.
Dombrowski	Lashinger	Rappaport	Wright, R. C.
Donatucci	Lehr	Rasco	Zwinkl
Durham	Lescovitz	Reber	
Evans	Letterman	Rieger	Ryan,
Fischer	Levi	Rocks	Speaker

NOT VOTING—2

Gray	Oliver
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EXCUSED—6

Alden Emerson Irvis Pucciarelli
Berson Fleck

The question was determined in the negative, and the motion was not agreed to.

On the question recurring,

Will the House agree to the bill on third consideration as amended?

Mr. VROON offered the following amendments No. A4852:

Amend Sec. 1 (Sec. 114), page 2, lines 21 and 22, by striking out "for a period of four years following such initial four year period" and inserting thereafter

Amend Sec. 3 (Sec. 904), page 7, lines 9 and 10, by striking out "and prior to eight years after the effective date of this act,"

Amend Sec. 3 (Sec. 904), page 7, lines 20 through 23, by striking out all of said lines

On the question,

Will the House agree to the amendments?

AMENDMENTS DIVIDED

The SPEAKER. The Chair recognizes the gentleman from Chester, Mr. Vroon.

Mr. VROON. Mr. Speaker, before I start on the explanation of this amendment, I would like to receive your permission, sir, to divide the amendment, dividing it this way: I would like to eliminate the last paragraph of the amendment and vote on the other two, the first two, and that only.

The SPEAKER. It is the understanding of the Chair the gentleman is dividing the question on the amendment that he submitted and withdraws from consideration the last paragraph of that amendment, which consists of the last two lines on the page. Is that correct?

Mr. VROON. Yes, Mr. Speaker.

The SPEAKER. The question before the House is, will the House agree to the amendment offered by the gentleman, Mr. Vroon, as divided?

Mr. VROON. Mr. Speaker, this bill provides for a limitation on the number of holding companies which will be allowed over and above what is now in existence. We now allow one holding company. This bill says for the next 4 years we will allow four holding companies and then thereafter from 4 to 8 years we will allow eight holding companies.

Mr. Speaker, the first paragraph in this amendment provides that there will not be any more than eight allowed indefinitely, the whole idea of this being that we put some restraint on the expansion of the banks, and by doing it this way on holding companies, we are forcing a pause at the end of 8 years to reassess the situation and see whether or not we want to allow more. I think this is a reasonable compromise, and it certainly is not a handicap to any of the large banks which would like to expand. They have ample opportunity within the first 8 years to do all the expansion which they have asked permission to do.

The second paragraph, therefore, follows in the same vein on home office protection, meaning the protection of the

home office of a small bank against branch banking in its boundaries. It now calls for a prohibition of 15,000 population or less in the first 4 years and 10,000 population or less in the next 4 years, and this amendment would limit this to 10,000 or less indefinitely. So here again at the end of 8 years, we would have to pause to see whether or not we would want the banking community to expand beyond that and go into those smaller areas. There has been a lot said here today about the small towns and the small municipalities of 10,000 or less. This is a very reasonable compromise which will not hurt anybody at all and will permit us to protect our small banks in these communities.

I think this is a good amendment, and this will be something that I do not think will hurt the big banks, and it will certainly give us an opportunity to protect the interests of small banks throughout our State. I urge its adoption.

The SPEAKER. The Chair recognizes the gentleman, Mr. Smith.

Mr. L. E. SMITH. Mr. Speaker, for the same reason I stated here on a number of occasions tonight, I would ask for a "no" vote.

The SPEAKER. The Chair recognizes the gentleman, Mr. Taylor.

Mr. TAYLOR. Thank you, Mr. Speaker.

I also echo the sentiments of the majority chairman and would ask for a negative vote. Thank you.

On the question recurring,

Will the House agree to the amendments as divided?

The following roll call was recorded:

YEAS—73

Armstrong	Fargo	Lloyd	Rybak
Belardi	Foster, W. W.	Lucyk	Salvatore
Belfanti	Foster, Jr., A.	McCall	Saurman
Bowser	Fryer	Mackowski	Serafini
Burd	Geist	Madigan	Seventy
Caltagirone	Gruitza	Manmiller	Smith, B.
Cawley	Haluska	Miller	Steighner
Cessar	Hasay	Mochlmann	Stewart
Clymer	Hayes	Morris	Stuban
Cole	Hutchinson, A.	Mrkonic	Swift
Coslett	Johnson	Noye	Taylor, E. Z.
Cunningham	Kanuck	Peterson	Telek
DeVerter	Klingaman	Petrone	Tigue
DeWeese	Kolter	Phillips	Vroon
Davies	Kowalyszyn	Pistella	Wargo
Dawida	Levi	Pitts	Wass
Dietz	Lewis	Punt	Wenger
Dininni	Livengood	Rasco	Wilson
Dorr			

NAYS—121

Anderson	Frazier	McMonagle	Sieminski
Arty	Freind	McVerry	Sirianni
Barber	Gallagher	Maiale	Smith, E. H.
Beloff	Gallen	Manderino	Smith, L. E.
Bittle	Gamble	Marmion	Snyder
Blaum	Gannon	Merry	Spencer
Borski	George	Michlovic	Spitz
Boyes	Gladeck	Micozzie	Stairs
Brandt	Grabowski	Miscevich	Stevens
Brown	Greenfield	Mowery	Swaim
Burns	Greenwood	Mullen	Sweet
Cappabianca	Grieco	Murphy	Taddonio
Cimini	Gruppo	Nahill	Taylor, F. E.
Civera	Hagarty	O'Donnell	Trello
Clark	Harper	Olasz	Van Horne

Cochran	Heiser	Oliver	Wachob
Cohen	Hoeffel	Pendleton	Wambach
Colafrella	Honaman	Perzel	Weston
Cordisco	Horgos	Petrarca	Wiggins
Cornell	Itkin	Piccola	Williams, H.
Cowell	Jackson	Pievsky	Williams, J. D.
DeMedio	Kennedy	Pott	Wogan
Daikeler	Kukovich	Pratt	Wozniak
Deal	Lashinger	Rappaport	Wright, D. R.
Dombrowski	Laughlin	Reber	Wright, J. L.
Donatucci	Lehr	Richardson	Wright, R. C.
Duffy	Lescovitz	Rieger	Zwilk
Durham	Letterman	Ritter	
Evans	Levin	Rocks	Ryan,
Fee	McClatchy	Showers	Speaker
Fischer	McIntyre	Shupnik	

NOT VOTING—2

Gray Hutchinson, W.

EXCUSED—6

Alden	Emerson	Irvis	Pucciarelli
Berson	Fleck		

The question was determined in the negative, and the amendments as divided were not agreed to.

On the question recurring,

Will the House agree to the bill on third consideration as amended?

Mrs. HARPER offered the following amendments No. A4817:

Amend Sec. 1 (Sec. 114), page 2, by inserting between lines 23 and 24

(c) Limitations on deposits—Each Pennsylvania bank holding company shall provide that at least fifty percent of the deposits and funds received into each of its institutions shall be made available to residents of the county in which the institutions are located for local purposes such as residential mortgage loans, personal loans, housing rehabilitation loans, small business loans and consumer credit loans.

Amend Sec. 1 (Sec. 114), page 2, line 24, by striking out “(c)” and inserting

(d)

Amend Sec. 1 (Sec. 114), page 3, line 5, by striking out “(d)” and inserting

(e)

On the question,

Will the House agree to the amendments?

The SPEAKER. The Chair recognizes the lady from Philadelphia, Mrs. Harper.

Mrs. HARPER. Thank you, Mr. Speaker.

My amendment amends section 114 on page 2 by inserting between lines 23 and 24: “Limitations on deposits—Each Pennsylvania bank holding company shall provide that at least fifty percent of the deposits and funds received into each of its institutions shall be made available to residents of the county in which the institutions are located for local purposes such as residential mortgage loans, personal loans, housing rehabilitation loans, small business loans and consumer credit loans.”

Mr. Speaker, I feel that these banks that get their money from the people who live in these communities should be willing to reinvest at least half of their funds in the commu-

nity, especially if the people have collateral and are able to pay back their loans.

I ask for an affirmative vote on this amendment.

The SPEAKER. The Chair recognizes the gentleman from Jefferson, Mr. Smith.

Mr. L. E. SMITH. Mr. Speaker, I rise to oppose this amendment. This appears to be an allocation of credit, and I think we should permit the regulators to determine those kinds of things about the Banking Code, and we should not clutter the Banking Code with this kind of language, so I would ask for a “no” vote.

The SPEAKER. The Chair recognizes the gentleman from Fayette, Mr. Taylor.

Mr. TAYLOR. I also rise to oppose the amendment, Mr. Speaker.

Let me read to the House a summary of results of a study that we did across the United States, one of them being a study done by the New York State Banking Department that examined office data for branch banks in New York State. Another study done by the Federal Reserve Bank of Chicago, which analyzed office data for large branch banks in California, concluded that there was no evidence of a parasite relationship between the metropolitan bank offices and the rural area offices, rather that the branch banks appear to transfer funds from some rural areas to other rural areas and not to the metropolitan area offices where they are headquartered.

I urge a negative vote on this amendment. Thank you, Mr. Speaker.

The SPEAKER. The Chair recognizes the gentleman from Greene, Mr. DeWeese.

Mr. DeWEESE. Mr. Speaker, I rise to support the lady from Philadelphia. I think it is important that we realize what the lady from Philadelphia is trying to do. She is trying to make sure that in our rural counties and in our major cities, residential mortgage money is made available. Pure and simple, more mortgage money. Mrs. Harper is trying to help us get more loan money. More loan money, that is what the lady from Philadelphia is trying to do. Personal loans and housing rehabilitation loans, small business loans, consumer credit loans. She is trying to help architect this bill in such a fashion that more money will stay local. If Merrill Lynch or Sears or one of these gigantic companies gets a hold of our money and tries to build baseball fields in Bangladesh if it is profitable, or, if Mrs. Harper’s amendment prevails, those institutions keep their money in Philadelphia, keep their money in Aleppo, keep their money in Masontown— If we have that alternative and we can make that decision today, I believe we should support Mrs. Harper and make the decision in favor of keeping that money local. Thank you.

The SPEAKER. The Chair recognizes the gentleman from Somerset, Mr. Lloyd.

Mr. LLOYD. Mr. Speaker, I rise to support the Harper amendment. I see this amendment as a truth-in-packaging bill. The sponsors of HB 1889 have been opposing all of the amendments which have been offered on the grounds that we do not need to worry that somehow the resources are going to

be taken out of rural Pennsylvania or out of the center city and sent out of State or sent over the waters across overseas; you do not need to worry about that, because these banks are actually going to take care of us. Well, if that is true, then nobody should object to the Harper amendment, because the Harper amendment says, do what you tell us you are going to do anyway.

Mr. Speaker, just in case there is one bank holding company out there that maybe does not intend to live up to that pledge, let us pass the Harper amendment and make sure that this bill does what its sponsors say it is going to do. Thank you.

The SPEAKER. The Chair recognizes the gentleman from Philadelphia, Mr. Rappaport.

Mr. RAPPAPORT. Thank you, Mr. Speaker.

It is with great regret that I differ with the lady from Philadelphia, probably the first time since we are both here, but I would point out that none of the major banks that are identified with Philadelphia have their head offices in Philadelphia. Indeed, the only even minor bank that has its head office in Philadelphia is Frankford Trust Company, plus two small private banks. They are all headquartered in Montgomery County. The effect of this amendment would be to require that half the assets of the Philadelphia banks be reinvested within Montgomery County, which might or might not be a good idea, but I do not represent Montgomery County.

I would point out that it is with great amusement that I note that some of the people who allegedly represent the country areas are saying that they are in favor of this amendment. I would point out some facts to them. Let us take, for example, the Harleysville National Bank in Harleysville, PA, in Montgomery County. Last year they had \$334,000 out locally in agricultural loans, but they had \$9.4 million out in Federal funds, either in Philadelphia or New York or in Chicago. Then there is the Alum Bank up in, I believe, Bedford County. Last year they had out \$158,000 in agricultural loans. They had \$900,000 in Federal funds in Philadelphia, New York, and Chicago. And there is the Curwensville State Bank that had \$246,000 out in agricultural loans and \$500,000 out in Federal funds.

The statistics show that when larger banks come into the rural areas, they bring money in. They do not take it out. And that is what we are trying to do with this bill. Agriculture has such tremendous need for capital now that small banks just cannot provide it. Indeed, 4 of the 10 largest banks in Pennsylvania in volume of agricultural loans are the 4 major banks from Philadelphia. We want to have Pennsylvania banks taking care of Pennsylvania needs, and if we limit them, we are going to have New York banks taking over our banks. Indeed, Equibank in Pittsburgh is already dominated by a New York bank. Industrial Valley in Philadelphia now has been taken over by Marine Midland in New York, which in turn is controlled by the Hong Kong and Shanghai Bank. Now, I ask you, is the Hong Kong and Shanghai Bank going to worry about agricultural loans in Pennsylvania, or is Philadelphia National, that has a huge volume of agricultural

loans, going to worry about agricultural loans in its own State?

I urge a "no" vote on this amendment, Mr. Speaker. Thank you.

The SPEAKER. The Chair recognizes the gentleman from Philadelphia, Mr. Cohen.

Mr. COHEN. Thank you, Mr. Speaker.

Mr. Speaker, nowhere in this amendment is the word "headquartered" used. It merely says that each bank holding company shall provide at least 50 percent of the deposits and funds received into each of its institutions for residents of the county in which the institutions are located. Now, what this amendment seems to mean very, very clearly is that a bank which has institutions in many counties, 50 percent of the money in each institution of each bank holding company shall be used in the county in which the institution is. So if a bank is headquartered in Montgomery County and has institutions in Philadelphia, half the money in Philadelphia has to stay there. Also, half the money in Lancaster has to stay in Lancaster; half the money in Greene County has to stay in Greene County.

I think this makes a lot of sense. This amendment seems to be very well worded. It does not use the phrase "headquartered," so the very eloquent and very informative statement we have just heard is not of very much relevance to this amendment. I therefore urge support of this amendment.

The SPEAKER. The Chair recognizes the gentleman from Lawrence, Mr. Pratt.

Mr. PRATT. Thank you, Mr. Speaker.

With all due respect to my colleague, Representative Rappaport, I must concur in the interpretation of the amendment offered by Representative Cohen. If the members would take a moment to read the amendment, there is nothing in the amendment which states that 50 percent of the assets or deposits of a bank must be kept within the county where the home office of the holding company is located. That is a misinterpretation of the amendment, and I believe Representative Harper did not intend that interpretation when she introduced this amendment. It merely states that in a county where any of the institutions owned by the holding company are located, those deposits taken in in that county by those institutions located within that county must make available 50 percent of those deposits for the various loans as outlined by the amendment. Thus, Mr. Speaker, we have a misinterpretation of this amendment. I think the members should take a look at this amendment, because it does not do what Representative Rappaport has alleged. Thank you.

The SPEAKER. The Chair recognizes the gentleman from Cambria, Mr. Wozniak.

Mr. WOZNIAK. Thank you, Mr. Speaker.

I rise to support this amendment. The entire few hours that we have been here, I have noticed quite a bit of debate on both sides. I am for statewide banking. I believe in competition. The biggest complaint that I have received from the various independent bankers within the tricounty area where I am from is that the large banks are going to abscond with the local funds and take them away to some large city and invest

them in places where they have never, ever intended them to go. Now, what this amendment shall require is that these large banks, if that is what you wish to call them, may come into these areas, and they will have to return their deposits, 50 percent of them, back into the counties. This removes all complaints the independent bankers might have that the large banks are not performing their duties to the constituents in the smaller areas.

I would rise to support this amendment, and I think it is a good idea for everyone else to do also.

The SPEAKER. The Chair recognizes, for the second time on the question, the gentleman from Somerset, Mr. Lloyd.

Mr. LLOYD. Very briefly, Mr. Speaker, the gentleman, Mr. Rappaport, said that one of the reasons we should vote against this amendment is that some banks in rural areas do not plow back into the community the amount of money that some of us would like to see them plow back. I do not see that as a reason to vote against the amendment. It seems to me that is a reason to vote for it. I do not care whether it is a large bank or a small bank. I think a bank has a responsibility to try to help the economic vitality of the area where its depositors live, and I do not think the gentleman's argument is at all appropriate to this amendment. I urge the amendment's adoption.

The SPEAKER. The Chair recognizes the gentleman from Northumberland, Mr. Belfanti.

Mr. BELFANTI. Mr. Speaker, there are many different groups in this Commonwealth that are concerned about HB 1889. Our farmers are concerned about this bill; our small retailers are concerned about this bill; the small banking community is concerned about this bill; many, many organizations such as the Grange, the Pennsylvania Farmers, and I could go on and on. I feel that the Ruth Harper amendment is perhaps the best amendment that I have seen here today on HB 1889, and it should reassure all the folks back home, whether or not they are for statewide banking. It should reassure every one of our constituents back home, regardless of how we are going to vote on final passage of HB 1889, that our intention is to see that at least half of the money generated in that community will remain in that community. I urge adoption of the Harper amendment. Thank you.

The SPEAKER. The Chair recognizes the gentleman from Jefferson, Mr. Smith, for the second time.

Mr. L. E. SMITH. Mr. Speaker, in further opposition to this amendment, I want to point out to the membership that this is very dangerous to designate by law how much of that money shall stay in a community, because if you do not have that loan demand—suppose you have a period of high interest where there is not a demand for 50 percent of that money in that area—you are going to cripple that lending institution. They do not have any choice about what they are going to do. They have to hold the money and wait until the demand is created, so I would urge a "no" vote.

The SPEAKER. The Chair recognizes the gentleman from Philadelphia, Mr. Cohen.

Mr. COHEN. I just want to respond to Mr. Smith's last statement. All the Harper amendment says is that funds shall

be made available to anybody who wants them. If nobody in Jefferson County or Somerset County or Philadelphia County or any other county wants to make a loan, they do not have to make the loans. They can put the money in other areas, so I would urge support of this amendment.

On the question recurring,
Will the House agree to the amendments?

The following roll call was recorded:

YEAS—100

Armstrong	Fischer	Mackowski	Ritter
Barber	Foster, W. W.	Madigan	Rybak
Belardi	Foster, Jr., A.	Manderino	Serafini
Belfanti	Gamble	Michlovic	Seventy
Bittle	Geist	Miller	Sirianni
Blaum	George	Miscevich	Smith, B.
Bowser	Haluska	Moehlmann	Stairs
Brown	Harper	Morris	Steighner
Caltagirone	Hasay	Mrkonic	Stevens
Cawley	Hayes	Murphy	Stewart
Clark	Hoeffel	Noye	Stuban
Cohen	Hutchinson, A.	O'Donnell	Swift
Colafella	Itkin	Olasz	Telek
Cole	Johnson	Oliver	Tigue
Cunningham	Kanuck	Pendleton	Trello
DeMedio	Klingaman	Peterson	Wachob
DeWeese	Kolter	Petrarca	Wambach
Dawida	Kowalyszyn	Petrone	Wass
Deal	Kukovich	Phillips	Williams, H.
Dietz	Laughlin	Pievsky	Williams, J. D.
Dininni	Levi	Pistella	Wilson
Duffy	Livengood	Pitts	Wozniak
Evans	Lloyd	Pratt	Wright, D. R.
Fargo	Lucyk	Punt	Wright, R. C.
Fee	McCall	Richardson	Zwikl

NAYS—90

Anderson	Dorr	Lehr	Saurman
Arty	Durham	Lescovitz	Showers
Beloff	Frazier	Levin	Shupnik
Borski	Freind	McIntyre	Sieminski
Boyes	Fryer	McMonagle	Smith, E. H.
Brandt	Gallagher	McVerry	Smith, L. E.
Burd	Gallen	Maiale	Snyder
Burns	Gannon	Manmiller	Spencer
Cappabianca	Gladeck	Marmion	Spitz
Cessar	Grabowski	Merry	Swaim
Cimini	Greenfield	Micozzie	Taddonio
Civera	Greenwood	Mowery	Taylor, E. Z.
Clymer	Grieco	Mullen	Taylor, F. E.
Cochran	Gruitza	Nahill	Van Horne
Cordisco	Gruppo	Perzel	Vroon
Cornell	Hagarty	Piccola	Wargo
Coslett	Heiser	Pott	Wenger
Cowell	Honaman	Rappaport	Weston
DeVerter	Horgos	Rasco	Wogan
Daikeler	Hutchinson, W.	Reber	Wright, J. L.
Davies	Jackson	Rieger	
Dombrowski	Kennedy	Rocks	Ryan,
Donatucci	Lashingner	Salvatore	Speaker

NOT VOTING—6

Gray	Lewis	Sweet	Wiggins
Letterman	McClatchy		

EXCUSED—6

Alden	Emerson	Irvis	Pucciarelli
Berson	Fleck		

The question was determined in the affirmative, and the amendments were agreed to.

On the question recurring,
Will the House agree to the bill on third consideration as amended?

Mr. NOYE offered the following amendment No. A4129:

Amend Sec. 1 (Sec. 114), page 2, by inserting between lines 23 and 24

(iii) Any institution controlled by a bank holding company shall use the name of the bank holding company in order not to deceive the public as to the ownership and control of the institution.

On the question,
Will the House agree to the amendment?

The SPEAKER. The Chair recognizes the gentleman from Perry, Mr. Noye.

Mr. NOYE. This amendment, Mr. Speaker, would require that any institution that is controlled by a holding company shall use the name of the bank holding company to make it clear to the public as to the actual ownership of the holding company.

The SPEAKER. The Chair recognizes the gentleman from Jefferson, Mr. Smith, on the amendment.

Mr. L. E. SMITH. Mr. Speaker, I oppose this amendment. We do not do this with any other corporation, and I see no reason, when people are investing their money in a bank holding company, why they cannot use any name they want. I would ask for a "no" vote.

The SPEAKER. The Chair recognizes the gentleman from York, Mr. Dorr.

Mr. DORR. Mr. Speaker, I think this is a very important amendment. It is true that we do not regulate any other holding company on this point. The fact is, we do not regulate other holding companies at all. This is the only institution, the only corporation, that we regulate in this fashion, with perhaps the exception of the utility companies.

It is extremely important, in my judgment, to the people in any community to know with whom they are dealing when they are dealing in their own financial affairs and the business of that community. It seems to me that it is only fair that the people of that community should know exactly what corporation they are dealing with, and it seems to me that those people who favor this legislation should not be afraid to compete in the local communities of this Commonwealth in their own name.

The SPEAKER. The Chair recognizes the gentleman from Fayette, Mr. Taylor.

Mr. TAYLOR. Thank you, Mr. Speaker.

I rise in support of it. I believe that the banking public ought to know where their financial affairs are being handled and who is handling them. I do not see anything wrong with the amendment and would urge adoption of it. Thank you, Mr. Speaker.

The SPEAKER. Does the gentleman from Lackawanna, Mr. Serafini, desire recognition? The gentleman is in order and may proceed.

Mr. SERAFINI. Mr. Speaker, I would like to ask, what constitutes control under this amendment? Is it 25 percent under the Federal act, or would it be 51 percent of the ownership?

The SPEAKER. The gentleman will yield.
Does the gentleman, Mr. Noye, consent to interrogation?

Mr. NOYE. Yes, Mr. Speaker.

The SPEAKER. The gentleman, Mr. Serafini, should address his question through the Chair to the gentleman, Mr. Noye.

Mr. NOYE. Mr. Speaker, I believe Mr. Serafini has confused this amendment with a previous amendment or another amendment on his desk.

Let him state his question.

Mr. SERAFINI. Mr. Speaker, in the amendment it says any institution controlled by a bank holding company shall use the name of the bank holding company. What I would like to know is, what constitutes control by a bank holding company? Is it the percent of the stock owned by the bank holding company or some other criteria of ownership?

Mr. NOYE. As I would interpret the bill as presently written, it would be controlling interest or 50 percent or more.

Mr. SERAFINI. Thank you very much, Mr. Speaker.

THE SPEAKER PRO TEMPORE (JOHN HOPE ANDERSON) IN THE CHAIR

The SPEAKER pro tempore. For the record, the Speaker has asked the gentleman from York, Mr. Anderson, to preside.

CONSIDERATION OF HB 1889 CONTINUED

The SPEAKER pro tempore. The Chair recognizes the gentleman from Jefferson, Mr. Smith.

Mr. L. E. SMITH. Mr. Speaker, I would like to further interrogate Representative Noye.

The SPEAKER pro tempore. The gentleman indicates that he will be interrogated. The gentleman may proceed.

Mr. L. E. SMITH. Mr. Speaker, I am not clear on the answer you gave to Representative Serafini about the word "control." Would you clarify that for me?

Mr. NOYE. I believe, Mr. Speaker, on page 2 of the bill, which you are sponsor of, it clearly states under section 114, line 2 on page 2, a definition of "control."

Mr. L. E. SMITH. Okay. A further question.

In your amendment you are suggesting that the company that is controlled by a bank holding company use the name of the bank holding company in order not to deceive the public as to the ownership. Now, suppose you have a bank holding company that buys out another bank holding company. Whose name do they use?

Mr. NOYE. I would presume that the purchaser and the new owner of that holding company would use their name.

Mr. L. E. SMITH. Mr. Speaker, is that not going to create a tremendous amount of confusion in the mind of the public?

Mr. NOYE. I do not see why, since they are the new owners.

Mr. L. E. SMITH. I think the vagueness of what you describe as "control" is reason enough to vote against this amendment, and I would ask for a "no" vote, Mr. Speaker.

The SPEAKER pro tempore. The Chair recognizes the gentleman from Lehigh, Mr. Ritter.

Mr. RITTER. Mr. Speaker, if you read the bill, there are two other places where they talk about control of an institution without defining what that control is. For instance, Mr. Noye is amending subsection (b) where it says "Control of institutions," and number (i) says, "No bank holding company other than a Pennsylvania bank holding company may control an institution." It does not talk about what percentage we are talking about. The second part says, "A Pennsylvania bank holding company may control one or more institutions...." Mr. Noye's amendment is using the same language, "Any institution controlled by a bank holding company...." Nowhere in the bill do you define what you mean when you say "control." Why would you oppose an amendment which uses the same language in your bill on the basis that the amendment is vague? If the word "control" is vague in the amendment, it has to be vague in the bill. I do not see anybody offering any amendments to define "control."

Mr. Noye's amendment is a good amendment. It uses precisely the language used in the bill. If you are opposed to his amendment on the basis that it is vague, Mr. Speaker, I would say that you ought to oppose the bill on the basis that it is vague.

The SPEAKER pro tempore. The Chair recognizes the gentleman from Perry, Mr. Noye. Does he wish to speak on the amendment?

Mr. NOYE. Mr. Speaker, although I agree with Mr. Ritter on it, I see nothing wrong with using the same language. The bill does define the question of control, and it is defined in section 114 of the bill on page 2, line 2, by using the Federal definitions. And it is true, that is the language that the drafters of the bill have used. It is in conformity with their definition, and it is in conformity with the Federal law.

The SPEAKER pro tempore. The Chair recognizes the gentleman from Allegheny, Mr. McVerry.

Mr. McVERRY. Mr. Speaker, I rise in opposition to the amendment of Representative Noye. Frankly, I believe that the Business and Commerce Committee and the developers of this legislation developed the multibank-holding-company concept in all good and due faith, all good faith and due diligence.

I believe that the implication of this amendment is that institutions that engage in multibank-holding-company development would be doing so in a deceitful nature. In fact, the amendment implies to me that if they did business in the name of the bank which was acquired, they would be purposefully deceiving the public. I find it interesting that we are in an era of acquisition and merger of various business interests throughout the United States, and in absolutely no other facet of our business community or industrial community do we require that any acquired company engage in the business of its parent company. I think it is frankly unconscionable to make an accusation of deceitful practice to the banking industry and require that they engage in business in a fashion differently than all other facets of business in the United States. I would urge the defeat of the amendment.

The SPEAKER pro tempore. The Chair recognizes the gentleman from Jefferson, Mr. Smith.

Mr. L. E. SMITH. Mr. Speaker, in answer to Representative Ritter, I want to try to clarify why I am concerned about the wording of this amendment. The word "controlled" as it is used in the bill is for regulatory purposes. The actual control of the bank holding company is outlined in the Federal Bank Holding Company Act, which is a part of this legislation.

On the question recurring,
Will the House agree to the amendment?

The following roll call was recorded:

YEAS—88

Armstrong	Fryer	Madigan	Sirianni
Belardi	Geist	Manderino	Smith, B.
Belfanti	George	Manmiller	Steighner
Bittle	Gruitza	Miscevich	Stevens
Brown	Harper	Moehlmann	Stewart
Caltagirone	Hasay	Morris	Stuban
Cawley	Hayes	Mowery	Swift
Colafella	Hoeffel	Noye	Taylor, F. E.
Cole	Jackson	Oliver	Telek
Coslett	Johnson	Peterson	Tigue
Cunningham	Kanuck	Phillips	Trello
DeMedio	Klingaman	Pistella	Van Horne
DeVerter	Kolter	Pitts	Wachob
DeWeese	Kowalshyn	Pratt	Wambach
Davies	Kukovich	Punt	Wargo
Dietz	Laughlin	Richardson	Wass
Dininni	Lescovitz	Ritter	Wenger
Dorr	Livengood	Rybak	Wilson
Fee	Lloyd	Saurman	Wozniak
Fischer	Lucyk	Serafini	Wright, D. R.
Foster, W. W.	McCall	Showers	Wright, R. C.
Foster, Jr., A.	McMonagle	Shupnik	Zwilk

NAYS—103

Anderson	Durham	Levi	Rasco
Arty	Evans	Levin	Reber
Barber	Fargo	Lewis	Rieger
Beloff	Frazier	McClatchy	Rocks
Blaum	Freind	McIntyre	Salvatore
Borski	Gallagher	McVerry	Seventy
Bowser	Gallen	Mackowski	Sieminski
Boyes	Gamble	Maiale	Smith, E. H.
Brandt	Gannon	Marmion	Smith, L. E.
Burd	Gladeck	Merry	Snyder
Burns	Grabowski	Michlovic	Spencer
Cappabianca	Greenfield	Micozzie	Spitz
Cessar	Greenwood	Miller	Stairs
Cimini	Grieco	Mrkonic	Swaim
Civera	Gruppo	Mullen	Sweet
Clymer	Hagarty	Murphy	Taddonio
Cochran	Haluska	Nahill	Taylor, E. Z.
Cohen	Heiser	O'Donnell	Vroon
Cordisco	Honaman	Olasz	Weston
Cornell	Horgos	Pendleton	Wiggins
Cowell	Hutchinson, A.	Perzel	Williams, J. D.
Daikeler	Itkin	Petrone	Wogan
Dawida	Kennedy	Piccola	Wright, J. L.
Deal	Lashinger	Pievsky	
Dombrowski	Lehr	Pott	Ryan,
Donatucci	Letterman	Rappaport	Speaker
Duffy			

NOT VOTING—5

Clark	Hutchinson, W. Petrarca	Williams, H.
Gray		

EXCUSED—6

Alden Emerson Irvis Pucciarelli
Berson Fleck

The question was determined in the negative, and the amendment was not agreed to.

On the question recurring,

Will the House agree to the bill on third consideration as amended?

Mr. SERAFINI offered the following amendment No. A4848:

Amend Sec. 1 (Sec. 114), page 2, by inserting between lines 23 and 24

(iii) No bank holding company may directly or indirectly own, control or have power to vote more than 25% of any class of voting securities of any institution.

On the question,

Will the House agree to the amendment?

The SPEAKER pro tempore. The Chair recognizes the gentleman from Lackawanna, Mr. Serafini.

Mr. SERAFINI. Mr. Speaker, I hate to belabor this point; however, my first amendment received 52 votes, my second amendment received 62, and within 4 more amendments, I should have 102 votes.

The SPEAKER pro tempore. The gentleman is gaining.

Mr. SERAFINI. Instead of going after more amendments, I will give you the final amendment I have proposed, the final change I have proposed for the holding company section of this bill.

What it would do would be to restrict the holdings of another bank's outstanding voting securities to 25 percent of those securities. I do not think this is without reason, and I believe a holding company could consider itself controlling that other bank with 25 percent of the outstanding securities.

Mr. Speaker, I believe it is imperative that we put a restriction on those amounts of stock that a holding company can own of another bank without having the approval of the board of directors or those shareholders, because a tender offer from a larger bank could create a situation whereby they can purchase the controlling interest, 50 or 51 percent of another bank's outstanding stock, without the real approval of the majority of the stockholders and/or the board of directors.

What I foresee with this legislation would be similar to a Monopoly game. When you start out, everyone seems to be equal, and as the game progresses, there is a lot of competition. But as one person starts buying up all those houses and gets those hotels and ends up with those utilities and railroads, you have one winner and everybody else seems to go to jail. And in this case, they probably would go to jail because they could not get a loan from the bank who owns everything in the community.

So my point is, if you restrict them now, they can always come back to you to increase the amount of stock, and if you see fit as the House of Representatives to give them that right, I believe you should allow yourself to give them that right. But at this point I believe unrestricted ability to purchase

other banks is without reason. I would appreciate a vote on this amendment.

The SPEAKER pro tempore. The Chair recognizes the gentleman from Jefferson, Mr. Smith.

Mr. L. E. SMITH. Mr. Speaker, here again I am asking for a "no" vote. This amendment would destroy the bank-holding-company aspect of the bill, and I urgently request a "no" vote.

The SPEAKER pro tempore. The Chair recognizes the gentleman from Philadelphia, Mr. Rappaport.

Mr. RAPPAPORT. Mr. Speaker, I join with the gentleman from Jefferson. I have to confess I am a trifle confused about the statement of the proposer of this amendment. He stated that he is afraid that a tender offer will get a majority of the stock tendered when a majority of the stockholders will not be in favor of it. If they are not in favor of it, I suggest they do not tender their stock, and, therefore, they will not get a majority of the stock. I think it is a circular argument. If a tender offer gets a majority of the stock tendered and that is what the stockholders want to do, they will vote the same way. They are voting with their stock, because they want to make the money that all the small bankers are going to make out of these tender offers. I urge your "no" vote, Mr. Speaker.

On the question recurring,

Will the House agree to the amendment?

The following roll call was recorded:

YEAS—77

Armstrong	Dininni	Livengood	Ritter
Belardi	Dorr	Lloyd	Rybak
Belfanti	Foster, W. W.	McCall	Salvatore
Bittle	Foster, Jr., A.	Mackowski	Serafini
Blaum	Fryer	Madigan	Sirianni
Caltagirone	Geist	Manderino	Smith, B.
Cappabianca	Haluska	Miscevich	Steighner
Cawley	Hasay	Moehlmann	Stevens
Clark	Hayes	Morris	Stewart
Clymer	Hoeffel	Mrkonic	Stuban
Cohen	Hutchinson, W.	Noye	Swift
Colafella	Jackson	Peterson	Telek
Cole	Johnson	Petrarca	Tigue
Coslett	Kanuck	Petrone	Trello
Cunningham	Klingaman	Phillips	Wachob
DeMedio	Kolter	Pistella	Wargo
DeVerter	Kowalyshyn	Pitts	Wass
DeWeese	Kukovich	Pratt	Wenger
Davies	Laughlin	Punt	Wilson
Dietz			

NAYS—117

Anderson	Freind	McIntyre	Shupnik
Arty	Gallagher	McMonagle	Sieminski
Barber	Gallen	McVerry	Smith, E. H.
Beloff	Gamble	Maiale	Smith, L. E.
Borski	Gannon	Manmiller	Snyder
Bowser	George	Marmion	Spencer
Boyes	Gladeck	Merry	Spitz
Brandt	Grabowski	Michlovic	Stairs
Brown	Greenfield	Micozzie	Swaim
Burd	Greenwood	Miller	Sweet
Burns	Grieco	Mowery	Taddonio
Cessar	Gruitza	Murphy	Taylor, E. Z.
Cimini	Gruppo	Nahill	Taylor, F. E.
Civera	Hagarty	O'Donnell	Van Horne
Cochran	Harper	Olasz	Vroon
Cordisco	Heiser	Oliver	Wambach

Cornell	Honaman	Pendleton	Weston
Cowell	Horgos	Perzel	Wiggins
Daikeler	Hutchinson, A.	Piccola	Williams, H.
Dawida	Itkin	Pievsky	Williams, J. D.
Deal	Kennedy	Pott	Wogan
Dombrowski	Lashingner	Rappaport	Wozniak
Donatucci	Lehr	Rasco	Wright, D. R.
Duffy	Lescovitz	Reber	Wright, J. L.
Durham	Letterman	Richardson	Wright, R. C.
Evans	Levi	Rieger	Zwikl
Fargo	Levin	Rocks	
Fee	Lewis	Saurman	Ryan,
Fischer	Lucyk	Seventy	Speaker
Frazier	McClatchy	Showers	

NOT VOTING—2

Gray Mulien

EXCUSED—6

Alden	Emerson	Irvs	Pucciarelli
Berson	Fleck		

The question was determined in the negative, and the amendment was not agreed to.

**THE SPEAKER (MATTHEW J. RYAN)
IN THE CHAIR**

The SPEAKER. The Chair thanks the gentleman from York, Mr. Anderson, for temporarily presiding.

CONSIDERATION OF HB 1889 CONTINUED

On the question recurring,
Will the House agree to the bill on third consideration as amended?

Mr. NOYE offered the following amendments No. A4641:

Amend Bill, page 1, lines 25 through 28; page 2, lines 1 through 30; page 3, lines 1 through 30; page 4, lines 1 through 15, by striking out all of said lines on said pages and inserting

Section 1. Subsections (b) and (d) of section 903, act of November 30, 1965 (P.L. 847, No. 356), known as the "Banking Code of 1965," are amended to read:

Section 903. Change of Location of Office

Amend Sec. 3, page 5, line 7, by striking out "3. Section" and inserting

2. Subsection (b) of section

Amend Sec. 3 (Sec. 904), page 5, lines 11 through 30; page 6, lines 1 through 5, by striking out all of said lines on said pages and inserting

Amend Sec. 3 (Sec. 904), page 7, line 6, by striking out "fifteen" and inserting

fifty

Amend Sec. 3 (Sec. 904), page 7, line 13, by striking out "ten" and inserting

twenty-five

Amend Sec. 3 (Sec. 904), page 7, line 20, by striking out "(c)" and inserting

(vi)

Amend Bill, page 7, lines 24 through 30; page 8, lines 1 through 17, by striking out all of said lines on said pages

Amend Sec. 7, page 8, line 18, by striking out "7" and inserting

On the question,
Will the House agree to the amendments?

The SPEAKER. The Chair recognizes the gentleman from Perry, Mr. Noye.

Mr. NOYE. Thank you, Mr. Speaker.

This amendment does several things. One, it removes the holding-company concept from the bill entirely. It also deletes the language as it relates to bicontiguous counties, and it limits the size of the communities for the location of branches to 50,000 population during the first 4 years it is in operation and 25,000 thereafter.

The SPEAKER. The Chair recognizes the gentleman from Jefferson, Mr. Smith.

Mr. L. E. SMITH. Mr. Speaker, we have previously voted down amendments that would have done the same thing, and I urgently request a "no" vote.

The SPEAKER. The Chair recognizes the gentleman from Fayette, Mr. Taylor.

Mr. TAYLOR. I also urge a negative vote on this for the same reason. We went over it before.

On the question recurring,
Will the House agree to the amendments?

The following roll call was recorded:

YEAS—65

Armstrong	Foster, W. W.	McCall	Serafini
Belardi	Foster, Jr., A.	Mackowski	Shupnik
Belfanti	Fryer	Madigan	Sirianni
Caltagirone	Geist	Manderino	Smith, B.
Cawley	George	Moehlmann	Steighner
Colafella	Haluska	Morris	Stewart
Coslett	Hasay	Mrkonic	Stuban
Cunningham	Hayes	Noye	Swift
DeMedio	Johnson	Petrarca	Telek
DeVerter	Kanuck	Phillips	Tigue
DeWeese	Klingaman	Pistella	Trello
Davies	Kolter	Pratt	Wachob
Dietz	Kowalshyn	Punt	Wargo
Dininni	Kukovich	Ritter	Wass
Dorr	Livengood	Rybak	Wenger
Fargo	Lloyd	Salvatore	Wilson
Fee			

NAYS—128

Anderson	Frazier	McClatchy	Saurman
Arty	Freind	McIntyre	Seventy
Barber	Gallagher	McMonagle	Showers
Beloff	Gallen	McVerry	Sieminski
Bittle	Gamble	Maiale	Smith, E. H.
Blaum	Gannon	Manmiller	Smith, L. E.
Borski	Gladeck	Marmion	Snyder
Bowser	Grabowski	Merry	Spencer
Boyes	Greenfield	Michlovic	Spitz
Brandt	Greenwood	Micozzie	Stairs
Brown	Grieco	Miller	Stevens
Burd	Gruitza	Mowery	Swaim
Burns	Gruppo	Mullen	Sweet
Cappabianca	Hagarty	Murphy	Taddonio
Cessar	Harper	Nahill	Taylor, E. Z.
Cimini	Heiser	O'Donnell	Taylor, F. E.
Civera	Hoefel	Olasz	Van Horne
Clark	Honaman	Oliver	Vroon
Clymer	Horgos	Pendleton	Wambach
Cochran	Hutchinson, A.	Perzel	Weston
Cole	Hutchinson, W.	Peterson	Wiggins
Cordisco	Itkin	Petrone	Williams, H.
Cornell	Jackson	Piccola	Williams, J. D.
Cowell	Kennedy	Pievsky	Wogan

Daikeler	Lashinger	Pitts	Wozniak
Dawida	Laughlin	Pott	Wright, D. R.
Deal	Lehr	Rappaport	Wright, J. L.
Dombrowski	Lescovitz	Rasco	Wright, R. C.
Donatucci	Letterman	Reber	Zwinkl
Duffy	Levi	Richardson	
Durham	Levin	Rieger	Ryan,
Evans	Lewis	Rocks	Speaker
Fischer	Lucyk		

NOT VOTING—3

Cohen	Gray	Miscevich
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EXCUSED—6

Alden	Emerson	Irvis	Pucciarelli
Berson	Fleck		

The question was determined in the negative, and the amendments were not agreed to.

On the question recurring,

Will the House agree to the bill on third consideration as amended?

Mr. DORR offered the following amendment No. A4133:

Amend Sec. 3 (Sec. 904), page 6, line 11, by inserting after "county"
or in a county of the first class, or of the second class or of the second class A

On the question,

Will the House agree to the amendment?

The SPEAKER. The Chair recognizes the gentleman from York, Mr. Dorr.

Mr. DORR. Mr. Speaker, I would urge the members who live in counties of the third, fourth, fifth, sixth, seventh, and eighth to pay attention to this amendment.

Mr. Speaker, the amendment would indicate that any bank in Pennsylvania may open a branch in any county of the first class, second class, or second class A. My understanding of that is that it includes Philadelphia County, Allegheny County, Montgomery and Delaware Counties, so that those banks in central and rural Pennsylvania could, if they so desired, open a branch in any of those metropolitan counties.

Now, Mr. Speaker, I expect to have this amendment characterized as unfair to those big banks in those big cities, but I suggest to the members who live in the third- through eighth-class counties that it is going to be pretty unfair, in my judgment, when those big, giant banks come breaking into our small communities with the economic power that they have and start to exercise their influence over the financial decisions made in those small and rural communities. I suggest, Mr. Speaker, that this might be turnabout and fair play. I suggest that those persons who represent the smaller counties of Pennsylvania should indicate to their banks, however big they are, that, yes, we think you ought to be able to go to Philadelphia if you want to and open a branch there. I urge a "yes" vote on the amendment.

The SPEAKER. The Chair recognizes the gentleman from Jefferson, Mr. Smith.

Mr. L. E. SMITH. Mr. Speaker, I have never been very comfortable being on the other side of my good friend, Representative Dorr, and for that reason I am going to suggest to

the members of the House that they accept this amendment to HB 1889.

The SPEAKER. The Chair recognizes the gentleman from Fayette, Mr. Taylor.

Mr. TAYLOR. Mr. Speaker, statewide banking will give competition in the banking industry, and I am for the amendment. The more competition, the better. Let us vote "yes" for the amendment.

On the question recurring,

Will the House agree to the amendment?

The following roll call was recorded:

YEAS—172

Anderson	Fischer	Lloyd	Seventy
Armstrong	Foster, W. W.	Lucyk	Showers
Arty	Foster, Jr., A.	McCall	Shupnik
Belardi	Frazier	McClatchy	Sieminski
Belfanti	Fryer	McMonagle	Sirianni
Bittle	Gallagher	Mackowski	Smith, B.
Blaum	Gallen	Madigan	Smith, E. H.
Borski	Gamble	Manderino	Smith, L. E.
Bowser	Geist	Manmiller	Snyder
Boyes	George	Merry	Stairs
Brandt	Gladeck	Michlovic	Steighner
Brown	Grabowski	Micozzie	Stevens
Burd	Greenfield	Miller	Stewart
Burns	Greenwood	Miscevich	Stuban
Caltagirone	Grieco	Morris	Swaim
Cappabianca	Gruitza	Mowery	Sweet
Cawley	Gruppo	Mrkonic	Swift
Cessar	Hagarty	Mullen	Taddonio
Cimini	Haluska	Murphy	Taylor, E. Z.
Clark	Harper	Nahill	Taylor, F. E.
Clymer	Hasay	Noye	Telek
Cochran	Hayes	Olasz	Tigue
Cohen	Heiser	Oliver	Trello
Colafella	Hoeffel	Pendleton	Van Horne
Cole	Honaman	Perzel	Vroon
Cordisco	Horgos	Peterson	Wachob
Cornell	Hutchinson, A.	Petrarca	Wambach
Coslett	Hutchinson, W.	Petrone	Wargo
Cowell	Jackson	Phillips	Wass
Cunningham	Johnson	Piccola	Wenger
DeMedio	Kanuck	Pievsky	Weston
DeVerter	Kennedy	Pistella	Williams, H.
DeWeese	Klingaman	Pitts	Williams, J. D.
Daikeler	Kolter	Pratt	Wilson
Davies	Kowalshyn	Punt	Wogan
Dawida	Kukovich	Rappaport	Wozniak
Dietz	Lashinger	Rasco	Wright, D. R.
Dombrowski	Laughlin	Reber	Wright, J. L.
Donatucci	Lehr	Ritter	Wright, R. C.
Dorr	Lescovitz	Rocks	Zwinkl
Duffy	Letterman	Rybak	
Durham	Levi	Saurman	Ryan,
Fargo	Lewis	Serafini	Speaker
Fee	Livengood		

NAYS—23

Barber	Freind	Maiale	Rieger
Beloff	Gannon	Marmion	Salvatore
Civera	Itkin	Moehlmann	Spencer
Deal	Levin	O'Donnell	Spitz
Dininni	McIntyre	Pott	Wiggins
Evans	McVerry	Richardson	

NOT VOTING—1

Gray

EXCUSED—6

Alden Emerson Irvis Pucciarelli
Berson Fleck

The question was determined in the affirmative, and the amendment was agreed to.

On the question recurring,

Will the House agree to the bill on third consideration as amended?

The SPEAKER. The Chair recognizes the gentleman from York, Mr. Dorr, who offers amendment A4137, which the clerk will read.

The Chair recognizes the gentleman, Mr. Dorr.

Mr. DORR. Mr. Speaker, as important as this amendment is, I think what I will do is offer it to those same people whom the gentleman from Jefferson intends to have take out the amendment we just put in and suggest that they trade it. I will withdraw the amendment, Mr. Speaker.

On the question recurring,

Will the House agree to the bill on third consideration as amended?

Mr. NOYE offered the following amendment No. A4642:

Amend Sec. 7, page 8, line 18, by striking out "immediately" and inserting

January 1, 1984

On the question,

Will the House agree to the amendment?

The SPEAKER. The Chair recognizes the gentleman from Perry, Mr. Noye.

Mr. NOYE. Knowing of the benevolence of the chairman of the Business and Commerce Committee, I am sure he would want to agree with at least one of mine, so this is his last chance.

I offer an amendment which delays implementation of the act. As written, the bill would be enacted immediately. This would postpone enactment until January 1, 1984. I believe this is necessary in that we are, I think, making a very radical change in the banking structure of this State, which is going to affect 12 1/2 million people. I really believe that we need time to really understand what all has taken place, and that is why I propose the date of January 1, 1984.

The SPEAKER. The Chair recognizes the gentleman from Jefferson, Mr. Smith.

Mr. L. E. SMITH. Mr. Speaker, I rise in opposition to this amendment. If I did not think there was an urgent need for this legislation, I would not be on this floor, nor would my name be on that bill, and I ask for a "no" vote.

The SPEAKER. The Chair recognizes the gentleman from Philadelphia, Mr. Rappaport.

Mr. RAPPAPORT. Thank you, Mr. Speaker.

In the words of the President of the United States, if not now, when? Mr. Speaker, we cannot stop the world and get off. We are trying to bring Pennsylvania into the modern banking era with this legislation, and the world will not wait for us. I urge a "no" vote.

On the question recurring,
Will the House agree to the amendment?

The following roll call was recorded:

YEAS—67

Armstrong	Foster, W. W.	Lloyd	Ritter
Belardi	Foster, Jr., A.	Lucyk	Rybak
Belfanti	Fryer	McCall	Salvatore
Bittle	Geist	Mackowski	Serafini
Caltagirone	George	Madigan	Sirianni
Cawley	Haluska	Manderino	Smith, B.
Clark	Hasay	Miscevich	Steighner
Cole	Hayes	Moehlmann	Stewart
Coslett	Hutchinson, W.	Morris	Stuban
Cunningham	Johnson	Mrkonic	Telek
DeVerter	Kanuck	Noye	Tigue
DeWeese	Kennedy	Petrarca	Trello
Davies	Klingaman	Phillips	Wachob
Dietz	Kolter	Pistella	Wargo
Dininni	Kowalyszyn	Pitts	Wass
Dorr	Kukovich	Pratt	Wilson
Fee	Livengood	Punt	

NAYS—128

Anderson	Fischer	McMonagle	Shupnik
Arty	Frazier	McVerry	Sieminski
Barber	Freind	Maiale	Smith, E. H.
Beloff	Gallagher	Manmiller	Smith, L. E.
Blaum	Gallen	Marmion	Snyder
Borski	Gamble	Merry	Spencer
Bowser	Gannon	Michlovic	Spitz
Boyes	Gladeck	Micozzie	Stairs
Brandt	Grabowski	Miller	Stevens
Brown	Greenfield	Mowery	Swaim
Burd	Greenwood	Mullen	Sweet
Burns	Grieco	Murphy	Swift
Cappabianca	Gruitza	Nahill	Taddonio
Cessar	Gruppo	O'Donnell	Taylor, E. Z.
Cimini	Hagarty	Olasz	Taylor, J. E.
Civera	Harper	Oliver	Van Horne
Clymer	Heiser	Pendleton	Vroon
Cochran	Hoeffel	Perzel	Wambach
Cohen	Honaman	Peterson	Wenger
Colafella	Horgos	Petrone	Weston
Cordisco	Hutchinson, A.	Piccola	Wiggins
Cornell	Itkin	Pievsky	Williams, H.
Cowell	Jackson	Pott	Williams, J. D.
DeMedio	Lashingier	Rappaport	Wogan
Daikeler	Laughlin	Rasco	Wozniak
Dawida	Lehr	Reber	Wright, D. R.
Deal	Lescovitz	Richardson	Wright, J. L.
Dombrowski	Letterman	Rieger	Wright, R. C.
Donatucci	Levi	Rocks	Zwilk
Duffy	Levin	Saurman	
Durham	Lewis	Seventy	Ryan,
Evans	McClatchy	Showers	Speaker
Fargo	McIntyre		

NOT VOTING—1

Gray

EXCUSED—6

Alden Emerson Irvis Pucciarelli
Berson Fleck

The question was determined in the negative, and the amendment was not agreed to.

AMENDMENT A4872 RECONSIDERED

The SPEAKER. It is the understanding of the Chair that the gentleman from Philadelphia, Mr. Richardson, moves to reconsider his amendment?

Mr. RICHARDSON. That is correct, Mr. Speaker.

The SPEAKER. The Chair recognizes the gentleman from Philadelphia, Mr. Richardson, who moves that the vote by which amendment A4872 was defeated on November 23, 1981, be reconsidered. The motion is seconded by the gentleman from Fayette, Mr. Taylor.

On the question,

Will the House agree to the motion?

The following roll call was recorded:

YEAS—188

Anderson	Fischer	McCall	Saurman
Armstrong	Foster, W. W.	McClatchy	Serafini
Arty	Foster, Jr., A.	McIntyre	Seventy
Barber	Frazier	McMonagle	Showers
Belardi	Freind	McVerry	Shupnik
Belfanti	Fryer	Mackowski	Sieminski
Beloff	Gallagher	Madigan	Sirianni
Bittle	Gallen	Maiale	Smith, B.
Blaum	Gamble	Manderino	Smith, L. E.
Borski	Gannon	Manmiller	Snyder
Bowser	Geist	Marmion	Spencer
Boyes	George	Merry	Spitz
Brandt	Gladeck	Michlovic	Stairs
Brown	Grabowski	Micozzie	Steighner
Burd	Greenfield	Miller	Stevens
Burns	Greenwood	Miscevich	Stewart
Caltagirone	Grieco	Moehlmann	Stuban
Cappabianca	Gruitza	Morris	Swaim
Cawley	Gruppo	Mowery	Sweet
Cessar	Hagarty	Mrkonic	Swift
Cimini	Haluska	Mullen	Taddonio
Civera	Harper	Murphy	Taylor, E. Z.
Clark	Hasay	Nahill	Taylor, F. E.
Clymer	Hayes	Noye	Telek
Cochran	Heiser	O'Donnell	Tigue
Colafella	Hoeffel	Olasz	Trello
Cole	Honaman	Oliver	Van Horne
Cordisco	Horgos	Pendleton	Vroon
Cornell	Hutchinson, A.	Perzel	Wachob
Coslett	Hutchinson, W.	Peterson	Wambach
Cowell	Itkin	Petrarca	Wargo
Cunningham	Jackson	Petrone	Wass
DeMedio	Johnson	Phillips	Wenger
DeVerter	Kennedy	Piccola	Weston
DeWeese	Klingaman	Pievsky	Wiggins
Daikeler	Kolter	Pistella	Williams, H.
Dawida	Kowalshyn	Pitts	Williams, J. D.
Deal	Kukovich	Pratt	Wilson
Dietz	Lashinger	Punt	Wogan
Dininni	Laughlin	Rappaport	Wozniak
Dombrowski	Lehr	Rasco	Wright, D. R.
Donatucci	Lescovitz	Reber	Wright, J. L.
Dorr	Letterman	Rieger	Wright, R. C.
Duffy	Levi	Ritter	Zwilk
Durham	Levin	Rocks	
Evans	Livengood	Rybak	Ryan,
Fargo	Lloyd	Salvatore	Speaker
Fee	Lucyk		

NAYS—1

Smith, E. H.

NOT VOTING—7

Cohen	Gray	Lewis	Richardson
Davies	Kanuck	Pott	

EXCUSED—6

Alden	Emerson	Irvis	Pucciarelli
Berson	Fleck		

The question was determined in the affirmative, and the motion was agreed to.

On the question recurring,

Will the House agree to the amendments?

The clerk read the following amendments No. A4872:

Amend Title, page 1, line 16 by inserting after "acts," " providing for a fixed holiday on January 15,

Amend Sec. 1, page 1, line 25 by striking out "The" and inserting

Section 113,

Amend Sec. 1, page 1, lines 26 and 27 by striking out "is amended by adding a section to read:" and inserting amended July 25, 1977 (P.L. 101, No. 37), is amended to read:

Amend Bill, page 1, by inserting between lines 27 and 28 Section 113. Legal Holidays

(a) Fixed holidays—An institution shall observe as a legal holiday:

- (i) New Year's Day (January 1);
- (i.1) Dr. Martin Luther King, Jr. Day (January 15)
- (ii) Memorial Day (the last Monday in May);
- (iii) Independence Day (July 4);
- (iv) Labor Day (the first Monday in September);
- (v) Thanksgiving Day (the fourth Thursday in November);
- (vi) Christmas Day (December 25);
- (vii) each Sunday;
- (viii) each Monday following an Independence Day, a Christmas Day or New Year's Day which occurs on a Sunday; and

(ix) each day specifically appointed by the President of the United States or the Governor of the Commonwealth as a legal holiday or as a bank holiday.

(b) Optional holidays—An institution may at its option observe as a legal holiday:

- (i) Lincoln's Birthday (February 12);
- (ii) Washington's Birthday (the third Monday in February);
- (iii) Good Friday;
- (iv) Flag Day (June 14);
- (v) Columbus Day (the second Monday in October);
- (vi) Election Day (the first Tuesday after the first Monday in November);
- (vii) Veterans' Day (November 11);
- (viii) each Saturday either as a half-holiday after 12 o'clock noon or as a full holiday;

(ix) each Monday following an Independence Day, a Christmas Day or New Year's Day which occurs on a Saturday; and

(x) each day which the department permits all institutions by public announcement, or an individual institution by written permission, to observe as a legal holiday.

(c) Geographic variations—In designating a permissive optional holiday under subsection (b), the department may limit the designation to particular geographic areas based on political subdivisions, banking classifications such as Federal Reserve districts or otherwise. An institution may observe any optional holiday at one or more, but fewer than all, of its offices.

(d) Effect of section—This effect of a legal holiday under this section shall be that provided by law but this section shall supersede other law as to the determination of days that are legal holidays for banking institutions.

(e) National banks—This section shall apply to offices of national banks located in Pennsylvania except to the extent that Federal law specifically provides otherwise.

Section 2. The act is amended by adding a section to read:

Amend Sec. 2, page 3, line 14 by striking out "2" and inserting

3

Amend Sec. 3, page 5, line 7 by striking out "3" and inserting

4

Amend Sec. 4, page 7, line 24 by striking out "4" and inserting

5

Amend Sec. 5, page 7, line 26 by striking out "5" and inserting

6

Amend Sec. 6, page 8, line 16 by striking out "6" and inserting

7

Amend Sec. 7, page 8, line 18 by striking out "7" and inserting

8

On the question recurring,

Will the House agree to the amendments?

The SPEAKER. The Chair recognizes the gentleman from Philadelphia, Mr. Richardson.

Mr. RICHARDSON. Thank you very much, Mr. Speaker.

I will make this very brief. Earlier I attempted to try to bring to light that already Dr. Martin Luther King's birthday is a State holiday in the Commonwealth of Pennsylvania. What we are attempting to do here is to amend that to make sure that the banking community also recognizes Dr. Martin Luther King's birthday as a State holiday and does it by honoring him on January 15. I am attempting again now, Mr. Speaker, to reintroduce this amendment and ask the members of the House to vote in favor of the Dr. Martin Luther King State holiday amendment.

The SPEAKER. The Chair recognizes the gentleman from Fayette, Mr. Taylor.

Mr. TAYLOR. Thank you, Mr. Speaker.

Not to be redundant, but, Mr. Speaker, I think we ought to permit this amendment to go in. We have Washington's Birthday, Lincoln's Birthday, and all the other ones. We have agreed once before that this is a legal holiday in the State. I think we ought to define it, and we ought to put it in. Thank you very much, Mr. Speaker.

The SPEAKER. The Chair recognizes the gentleman from Allegheny, Mr. McVerry.

Mr. McVERRY. Mr. Speaker, with all due respect to the memory of Dr. Martin Luther King, whose memory I hold in deep reverence, I suggest that we not agree to this amendment, because there are two provisions in the Banking Code that deal with holidays. The minority chairman of the Business and Commerce Committee just referred to the fact that we have Lincoln's Birthday and we have Washington's Birthday and we have Columbus Day, et cetera, and it is true, we do have all of those holidays, and in fact the father of our country, George Washington, is an optional holiday. That is to say, the institution can claim it to be a legal holiday if they choose to, but they are not mandated to, whereas they are mandated to have a holiday on Christmas, New Year's, Thanksgiving, Independence Day, and Memorial Day. But Lincoln's Birthday and Washington's Birthday, Good Friday, Flag Day, Columbus Day, Election Day, and Veterans Day

are all optional holidays and an optional provision in which Dr. Martin Luther King Day would properly fit. I would cosponsor or sponsor an amendment to put it into the optional holiday section, but I suggest to you that it would be appropriately placed there, and I would request that the amendment in its current form be defeated. Thank you.

The SPEAKER. The Chair recognizes, for the second time on the amendment, the gentleman from Philadelphia, Mr. Richardson.

Mr. RICHARDSON. I would like to know if I can interrogate the gentleman.

The SPEAKER. The gentleman, Mr. McVerry, indicates he will stand for interrogation. The gentleman, Mr. Richardson, may begin.

Mr. RICHARDSON. I would like to bring your attention to section 113, number ix, which speaks specifically to the question that you raised: "each day specifically appointed by the President of the United States or the Governor of the Commonwealth as a legal holiday or as a bank holiday." Already in the Commonwealth of Pennsylvania, since Governor Thornburgh has become Governor in this Commonwealth, each and every time he has proclaimed that as a legal holiday on that particular day. Are you now saying that we should take that away?

Mr. McVERRY. I am suggesting if your logic follows to its natural conclusion, the necessity of the amendment is moot. You do not need the amendment if in fact a Governor-declared legal holiday is a mandated holiday for banks; you do not need the amendment.

Mr. RICHARDSON. The only problem is that each and every year we have gone through this, no one has yet to recognize the fact that it was signed into law November 28, 1978, and that each year since then we have had to proclaim that day as a State holiday in order for us to recognize the law that was already passed by this body, the Senate, and then signed into law. And because of that, we wanted to make sure that members of this House recognize that they have already passed Dr. Martin Luther King's birthday as a State holiday but have not recognized it in the banks.

Mr. McVERRY. Well, I suggest that if the maker of the amendment wants the holiday to be recognized annually, he should bring appropriate legislation to do that. I believe that the State does recognize it as a holiday. What I am suggesting to you is that it deserves no greater significance than the birthday of the father of our country, the birthday of Abraham Lincoln, Good Friday, Flag Day, Columbus Day; it deserves no greater significance. Indeed it does deserve significance, and indeed the option should be there, but it should not be a mandated holiday that we are telling banks that they must give recognition to that day equal to Christmas, Thanksgiving, Memorial Day, as it were, and the other holidays that are mandated. I am suggesting to you, sir, that it is appropriate to be a holiday and recognized as such, but it need not be mandated upon the banks.

The SPEAKER. The Chair recognizes the gentleman from Fayette, Mr. Taylor.

Mr. TAYLOR. Thank you, Mr. Speaker.

I just want to say that it is human to err and divine to forgive. I hope that the gentleman from Allegheny County forgives me for making that slight error. I still would support our making this a legal holiday, and, therefore, I recommend the passage of it. Thank you, Mr. Speaker.

On the question recurring,

Will the House agree to the amendments?

The following roll call was recorded:

YEAS—100

Barber	Fischer	McIntyre	Rybak
Beloff	Gallagher	McMonagle	Salvatore
Blaum	Gamble	Maiale	Serafini
Borski	George	Manderino	Seventy
Brandt	Grabowski	Miller	Shupnik
Brown	Greenfield	Miscevich	Steighner
Burns	Greenwood	Morris	Stevens
Caltagirone	Grieco	Mrkonjic	Stewart
Cappabianca	Gruitza	Mullen	Swaim
Cawley	Haluska	Murphy	Sweet
Cimini	Harper	O'Donnell	Taylor, F. E.
Clark	Hoefel	Olasz	Trello
Cochran	Horgos	Oliver	Van Horne
Cohen	Hutchinson, A.	Pendleton	Wachob
Cole	Itkin	Perzel	Wambach
Cowell	Kolter	Petrarca	Wargo
DeMedio	Kowalshyn	Petrone	Weston
DeWeese	Kukovich	Pievsky	Wiggins
Dawida	Lashingier	Pistella	Williams, H.
Deal	Laughlin	Pratt	Williams, J. D.
Dombrowski	Lescovitz	Rappaport	Wilson
Donatucci	Levin	Richardson	Wozniak
Duffy	Livengood	Rieger	Wright, D. R.
Evans	Lloyd	Ritter	Wright, R. C.
Fee	McCall	Rocks	Zwilk

NAYS—91

Anderson	Foster, W. W.	McClatchy	Sieminski
Armstrong	Frazier	McVerry	Sirtanni
Arty	Freind	Mackowski	Smith, B.
Belardi	Fryer	Madigan	Smith, E. H.
Belfanti	Gallen	Manmiller	Smith, L. E.
Bittle	Gannon	Marmion	Snyder
Bowser	Geist	Merry	Spencer
Boyes	Gladeck	Michlovic	Spitz
Burd	Gruppo	Micozzie	Stairs
Cessar	Hagarty	Moehlmann	Stuban
Civera	Hasay	Mowery	Swift
Clymer	Hayes	Nahill	Taddonio
Colafella	Heiser	Noye	Taylor, E. Z.
Cornell	Honaman	Peterson	Telek
Coslett	Jackson	Phillips	Tigue
Cunningham	Johnson	Piccola	Vroon
DeVerter	Kanuck	Pitts	Wass
Daikeler	Kennedy	Pott	Wenger
Davies	Klingaman	Punt	Wogan
Dietz	Lehr	Rasco	Wright, J. L.
Dininni	Letterman	Reber	
Dorr	Levi	Saurman	Ryan,
Durham	Lucyk	Showers	Speaker
Fargo			

NOT VOTING—5

Cordisco	Gray	Hutchinson, W.	Lewis
Foster, Jr., A.			

EXCUSED—6

Alden	Emerson	Iris	Pucciarelli
Berson	Fleck		

The question was determined in the affirmative, and the amendments were agreed to.

On the question recurring,

Will the House agree to the bill on third consideration as amended?

Bill as amended was agreed to.

The SPEAKER. This bill has been considered on three different days and agreed to and is now on final passage.

The question is, shall the bill pass finally?

The Chair recognizes the gentleman from Lawrence, Mr. Pratt.

Mr. PRATT. Mr. Speaker, thank you.

I am not rising to voice my support or opposition to the bill as amended upon final passage. I would just like to take a moment to call to the attention of the members that on page 2 of the bill, where it defines "bank holding company" and allows multiholding companies throughout Pennsylvania, it allows the Federal law to define "control." In the Federal law, Mr. Speaker, it defines "bank holding company." It says, any company has control over a bank or over any company if it controls 25 percent or more of the voting stock; or the company controls in any manner the election of a majority of the directors or trustees of a bank or company; or the board determines, after notice and opportunity for hearing, that the company directly or indirectly controls the management of that bank.

Ostensibly, Mr. Speaker, what the Federal law says is that there could be a bank holding company in this Commonwealth that could ostensibly own no shares of a bank and control it, or can own the minimum of 5 percent of that bank and control it. You combine that with the bicontiguous provisions of this bill and I think you can imagine the ramifications that this bill will have upon the banking industry in the Commonwealth. Thank you.

The SPEAKER. The Chair recognizes the gentleman from Cambria, Mr. Haluska.

Mr. HALUSKA. Mr. Speaker, I would like to say a few words on the bill in general.

Over the years I have worked with the banks in the local community and have found that the officers of our local banks have been very active in the participation of community activity. We had a person in the community who was president of the bank, and we had a board of directors, and these people were very much concerned that the community had good economic health, and they gave of their time to see that their deeds were accomplished. In addition to this, we always had a local cashier or executive officer, and they had long tenure in the bank and they became very familiar and they could deal with local situations that the large banks cannot. The large banks keep shuffling in people as managers on a day-to-day basis at times. They hardly get acquainted with our situation before they are moved out into another area.

In addition to this, our local banks have also served for coordinators in industrial fund drives. They supervised and managed and acted as escrow agents for funds that were raised locally to put out local bond issues to help induce

industry into the area. I find that this is not the situation with large banks. They do not want to be bothered with this and they feel that it is detrimental to them in the event they would have to make disbursements back to the respective constituents who made contributions. I ask that all of this body consider the fact that these services are very essential to small communities, and I ask for a negative vote on this bill. Thank you.

The SPEAKER. The Chair recognizes the gentleman from Jefferson, Mr. Smith.

Mr. L. E. SMITH. I really had not intended to debate this bill on final passage, and I will be very brief.

Everything the gentleman says is absolutely true, and there is not anything in this bill that is going to stop that unless the shareholders of that bank where all these fine people work decide that is what they want to do. There is not anything mandatory in this bill. The small independent bank is preserved as long as they want to be a small independent bank.

The SPEAKER. The Chair recognizes the gentleman from Fayette, Mr. Taylor.

Mr. TAYLOR. Thirty seconds. I just want to urge very strongly that we support this bill, and I ask for an affirmative vote. Thank you, Mr. Speaker.

On the question recurring,
Shall the bill pass finally?

The SPEAKER. Agreeable to the provisions of the Constitution, the yeas and nays will now be taken.

YEAS—124

Anderson	Evans	Lewis	Saurman
Arty	Fischer	Lucyk	Serafini
Barber	Frazier	McClatchy	Seventy
Beloff	Freind	McIntyre	Showers
Bittle	Gallagher	McMonagle	Sieminski
Blaum	Gallen	McVerry	Smith, L. E.
Borski	Gamble	Maiale	Snyder
Bowser	Gannon	Marmion	Spencer
Boyes	Gladeck	Merry	Spitz
Brandt	Grabowski	Miller	Stairs
Brown	Greenfield	Mowery	Stevens
Burns	Greenwood	Mullen	Swaim
Cappabianca	Grieco	Murphy	Sweet
Cessar	Gruitza	Nahill	Taddonio
Cimini	Gruppo	O'Donnell	Taylor, E. Z.
Civera	Hagarty	Olasz	Taylor, F. E.
Clark	Harper	Oliver	Trello
Clymer	Heiser	Pendleton	Van Horne
Cochran	Hoeffel	Perzel	Vroon
Cohen	Honaman	Peterson	Wambach
Colafella	Horgos	Pievsky	Weston
Cordisco	Hutchinson, A.	Pistella	Wiggins
Cornell	Itkin	Pitts	Williams, J. D.
Coslett	Jackson	Pott	Wogan
Cowell	Kanuck	Rappaport	Wozniak
DeMedio	Kolter	Rasco	Wright, J. L.
Daikeler	Lashingner	Reber	Wright, R. C.
Dawida	Laughlin	Richardson	Zwinkl
Deal	Lehr	Rieger	
Dombrowski	Lescovitz	Rocks	Ryan,
Donatucci	Levi	Rybak	Speaker
Durham	Levin		

NAYS—68

Armstrong	Foster, W. W.	Mackowski	Shupnik
Belardi	Foster, Jr., A.	Madigan	Sirianni
Belfanti	Fryer	Manderino	Smith, B.
Burd	Geist	Manmiller	Smith, E. H.
Caltagirone	George	Michlovic	Steighner

Cawley	Haluska	Miscevich	Stewart
Cole	Hasay	Moehlmann	Stuban
Cunningham	Hayes	Morris	Swift
DeVerter	Hutchinson, W.	Mrkonic	Telek
DeWeese	Johnson	Noye	Tigue
Davies	Klingaman	Petrarca	Wachob
Dietz	Kowalshyn	Phillips	Wargo
Dininni	Kukovich	Piccola	Wass
Dorr	Letterman	Pratt	Wenger
Duffy	Livengood	Punt	Williams, H.
Fargo	Lloyd	Ritter	Wilson
Fee	McCall	Salvatore	Wright, D. R.

NOT VOTING—4

Gray	Kennedy	Micozzie	Petrone
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EXCUSED—6

Alden	Emerson	Irvis	Pucciarelli
Berson	Fleck		

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the clerk present the same to the Senate for concurrence.

CALENDAR PASSED OVER

The SPEAKER. Without objection, the balance of the bills and resolutions on today's calendar will be passed over. The Chair hears no objection.

STATEMENT BY MR. SIEMINSKI

The SPEAKER. The Chair recognizes the gentleman from Northampton, Mr. Sieminski.

Mr. SIEMINSKI. Thank you very much, Mr. Speaker. I will be very brief.

A lighter moment, if you will, after our labors of today. I know most of us here today will be looking forward to next Saturday's football game between two of Pennsylvania's fine intercollegiate teams, Penn State and Pitt. But I wonder, Mr. Speaker, if you realize that last Saturday in Bethlehem, Pennsylvania, a game took place between two of our Pennsylvania colleges that has extended the longest continuous football competition between two of our colleges, Lehigh University and Lafayette College. Lafayette, my constituency, was the underdog in this game, but I am happy to tell you that Lafayette won the game 10 to 3, continuing its winning streak. Lafayette now has a record of 9-2 for the season, and perhaps we will see Lafayette going to some postseason bowl games. Thank you very much.

REMARKS ON VOTE

The SPEAKER. The Chair recognizes the lady from Susquehanna, Miss Sirianni. For what purpose does the lady rise?

Miss SIRIANNI. Mr. Speaker, I am not certain that my vote was recorded on that last vote on HB 1889, and I would like to be recorded "no."

The SPEAKER. The remarks of the lady will be spread upon the record.

The Chair recognizes the gentleman from Philadelphia, Mr. Richardson.

Mr. RICHARDSON. Mr. Speaker, noting the hour is late, I have a resolution I would like to have considered immediately, but in light of our situation, what I would like to do is ask that this be considered tomorrow concerning the layoffs of State employees, and since the members have belabored long this evening, I would like to ask that it be considered on the House calendar tomorrow morning or tomorrow afternoon.

The SPEAKER. The resolution will not be on the House calendar, Mr. Richardson.

Mr. RICHARDSON. Mr. Speaker, maybe what I am asking is this: I would like to tomorrow suspend the rules and ask for immediate consideration of a resolution dealing with State workers who are being laid off, as opposed to doing it now, because most of the members have left. I would like to do it tomorrow, and I would like to be recognized and have the opportunity to see if I can suspend the rules.

REMARKS ON VOTE

The SPEAKER. The Chair recognizes the gentleman from Cumberland, Mr. Kennedy.

Mr. KENNEDY. Thank you, Mr. Speaker.

On the last vote, HB 1889, my switch failed to work. I would like to be recorded in the positive position.

The SPEAKER. The remarks of the gentleman will be spread upon the record.

Mr. KENNEDY. Thank you, Mr. Speaker.

Mr. RICHARDSON. Point of order, Mr. Speaker.

The SPEAKER. The gentleman will be recognized tomorrow.

Mr. RICHARDSON. There was no answer, Mr. Speaker, and I just was trying to make sure that I got some answer from the Chair. Thank you very much.

REMARKS ON VOTE

The SPEAKER. The Chair recognizes the gentleman from Bucks, Mr. Cordisco.

Mr. CORDISCO. Mr. Speaker, on the Richardson amendment to HB 1889, my switch failed to operate, and due to great pressure and fear of boycott by the Black Caucus, I want to be recorded in the affirmative.

The SPEAKER. The remarks of the gentleman will be spread upon the record.

STATEMENT SUBMITTED FOR THE RECORD

The SPEAKER. The Chair recognizes the gentleman from Philadelphia, Mr. Cohen.

Mr. COHEN. Mr. Speaker, I have a statement for the record.

The SPEAKER. Concerning what, Mr. Cohen?

Mr. COHEN. Concerning how I would vote tomorrow if I were able to be here.

The SPEAKER. The Chair thanks the gentleman.

Mr. COHEN submitted the following statement for the Legislative Journal:

Mr. Speaker, as I stated earlier, I will not be able to be in Harrisburg tomorrow. I wish the record to show that, if I were able to be here, I would vote in support of mandatory sentencing. I believe that mandatory sentencing is a vital and needed reform for Pennsylvania.

The SPEAKER. The House should be aware of the fact that tomorrow morning the House will come into session at 10 a.m.

REMARKS ON VOTE

The SPEAKER. Is the gentleman, Mr. Petrone, seeking recognition for the adjournment motion?

Mr. PETRONE. Yes, sir.

I have been very patiently trying to seek recognition, Mr. Speaker. First of all, I would like to be recorded in the affirmative on HB 1889. My switch did not work.

The SPEAKER. The gentleman's remarks will be spread upon the record.

Will the gentleman yield with respect to the adjournment motion?

Mr. PETRONE. Yes, Mr. Speaker.

COMMUNICATIONS FROM GOVERNOR

BILLS SIGNED BY GOVERNOR

The Secretary to the Governor presented the following communications from His Excellency, the Governor:

APPROVAL OF HBs Nos. 231, 920, 1089, 1090, 1092, 1519 and 1687.

Commonwealth of Pennsylvania
Governor's Office
Harrisburg

November 20, 1981

To the Honorable, the House of Representatives
of the Commonwealth of Pennsylvania

I have the honor to inform you that I have this day approved and signed House Bill 231, Printer's No. 232, entitled "AN ACT amending the act of May 1, 1933 (P.L. 103, No. 69), entitled 'An act concerning townships of the second class; and amending, revising, consolidating, and changing the law relating thereto,' permitting supervisors to be members of a township planning commission."

Dick Thornburgh
Governor

Commonwealth of Pennsylvania
Governor's Office
Harrisburg

November 20, 1981

To the Honorable, the House of Representatives
of the Commonwealth of Pennsylvania

I have the honor to inform you that I have this day approved and signed House Bill 920, Printer's No. 991, entitled "AN ACT amending the act of June 29, 1953 (P.L. 304, No. 66), entitled 'An act providing for the administration of a statewide system of

vital statistics; prescribing the functions of the State Department of Health, the State Advisory Health Board and local registrars; imposing duties upon coroners, prothonotaries, clerks of orphans' court, physicians, midwives and other persons; requiring reports and certificates for the registration of vital statistics; regulating the disposition of dead bodies; limiting the disclosure of records; prescribing the sufficiency of vital statistics records as evidence; prescribing fees and penalties; and revising and consolidating the laws relating thereto,' limiting the authority to promulgate certain regulations concerning the depth of graves."

Dick Thornburgh
Governor

Commonwealth of Pennsylvania
Governor's Office
Harrisburg

November 20, 1981

To the Honorable, the House of Representatives
of the Commonwealth of Pennsylvania

I have the honor to inform you that I have this day approved and signed House Bill 1089, Printer's No. 1212, entitled "AN ACT amending the act of June 3, 1937 (P.L. 1225, No. 316), entitled 'An act concerning game and other wild birds and wild animals; and amending, revising, consolidating, and changing the law relating thereto,' increasing the issuing agent's fee."

Dick Thornburgh
Governor

Commonwealth of Pennsylvania
Governor's Office
Harrisburg

November 20, 1981

To the Honorable, the House of Representatives
of the Commonwealth of Pennsylvania

I have the honor to inform you that I have this day approved and signed House Bill 1090, Printer's No. 1701, entitled "AN ACT amending the act of June 3, 1937 (P.L. 1225, No. 316), entitled 'An act concerning game and other wild birds and wild animals; and amending, revising, consolidating, and changing the law relating thereto,' further prohibiting the sale by any person of any license for a fee in excess of the fee established by law; providing penalties for violations of license fee requirements; authorizing three-day licenses to residents of the Commonwealth to hunt on regulated shooting grounds; increasing the issuing agent's fee for issuing such licenses; and making certain editorial changes."

Dick Thornburgh
Governor

Commonwealth of Pennsylvania
Governor's Office
Harrisburg

November 20, 1981

To the Honorable, the House of Representatives
of the Commonwealth of Pennsylvania

I have the honor to inform you that I have this day approved and signed House Bill 1092, Printer's No. 1215, entitled "AN ACT amending the act of June 3, 1937 (P.L. 1225, No. 316), entitled 'An act concerning game and other wild birds and wild animals; and amending, revising, consolidating, and changing the law relating thereto,' permitting the use of bow release devices having movable parts and expressly prohibiting the use of cross-bows."

Dick Thornburgh
Governor

Commonwealth of Pennsylvania
Governor's Office
Harrisburg

November 20, 1981

To the Honorable, the House of Representatives
of the Commonwealth of Pennsylvania

I have the honor to inform you that I have this day approved and signed House Bill 1519, Printer's No. 1770, entitled "AN ACT amending the act of August 23, 1961 (P.L. 1068, No. 484), entitled, as amended, 'An act to provide for the creation and administration of a Coal and Clay Mine Subsidence Insurance Fund within the Department of Environmental Resources for the insurance of compensation for damages to subscribers thereto; declaring false oaths by the subscribers to be misdemeanors; providing penalties for the violation thereof; and making an appropriation,' allowing the excess of premiums over disbursements to be allocated to the cost of administering the fund."

Dick Thornburgh
Governor

Commonwealth of Pennsylvania
Governor's Office
Harrisburg

November 20, 1981

To the Honorable, the House of Representatives
of the Commonwealth of Pennsylvania

I have the honor to inform you that I have this day approved and signed House Bill 1687, Printer's No. 2383, entitled "AN ACT providing for adoption of capital projects to be financed from current revenues of the Motor License Fund."

Dick Thornburgh
Governor

COMMUNICATION FROM AUDITOR GENERAL

The SPEAKER. The Chair acknowledges receipt of a communication from the Auditor General, Mr. Benedict, dated November 4, 1981, pursuant to provisions of the Constitution of Pennsylvania, which will become part of the record.

The following communication was read:

Commonwealth of Pennsylvania
Office of the Auditor General
Harrisburg 17120

November 4, 1981

The Honorable Matthew J. Ryan
Speaker of the House
Commonwealth of Pennsylvania
Room 139 Capitol
Harrisburg, PA 17120

Dear Speaker Ryan:

In accordance with the provisions of Article VIII, Section 7 of the Constitution of the Commonwealth of Pennsylvania and Section 4 (b) of the Capital Facilities Debt Enabling Act of 1969, the Governor has requested a certificate in connection with the settlement of the sale of the Commonwealth of Pennsylvania bonds in the principal amount of fifty eight million dollars on November 4, 1981.

A duplicate original of my certificate is enclosed herewith.

Sincerely,
Al Benedict
Auditor General

AB/dl
Enclosure

(Copy of certificate is on file with the Journal clerk.)

**COMMUNICATION FROM
PENNSYLVANIA HOUSING FINANCE AGENCY**

The SPEAKER. The Chair acknowledges receipt of a communication dated November 12, 1981, from the executive director of the Pennsylvania Housing Finance Agency, which will be made part of the record.

The following communication was read:

Commonwealth of Pennsylvania
November 12, 1981

Subject: Agency Obligations Falling Due in 1982
and How the Agency Will Pay Them
To: Governor of Pennsylvania,
Honorable Dick Thornburgh
President Pro Tempore,
Honorable Henry Hager
Speaker, House of Representatives,
Honorable Matthew J. Ryan
From: William M. Cleveland,
Executive Director
Pennsylvania Housing Finance Agency

Act 33 of April 7, 1976, requires that the Agency inform you of Agency obligations falling due within calendar year 1982, and the manner in which the Agency anticipates paying for such obligations. Section 504(A) (c) of Act 33 states:

“To assure the continued operation and solvency of the agency, for the carrying out of its corporate purposes, provision is made in subsection (a) for the accumulation in each capital reserve fund of an amount equal to the minimum capital reserve fund requirement for such fund. In order further to assure the maintenance of such capital reserve funds, the agency, at least thirty days before the beginning of each legislative session, shall submit to the Governor and the General Assembly a written statement of the obligations of the agency falling due within the succeeding twelve month period and of the manner in which the agency anticipates providing for such obligations by way of payment, extension, renewal or otherwise and an estimate of the funds, if any, expected to be necessary during the following year to restore to each such capital reserve fund any deficiencies in the minimum capital reserve fund requirement for such fund or “otherwise to avoid default in the payment of interest or principal upon bonds or notes issued by the agency, or in sinking fund payments required to be made, and the Governor shall cause the amount of such moneys, if any, to be placed in the budget of the Commonwealth for the next succeeding fiscal year, so that the General Assembly shall be enabled to provide appropriations sufficient to restore any such deficiencies or otherwise to avoid any default. Such appropriations, if any, shall be repaid to the Commonwealth as soon as possible by the agency from moneys of the agency in excess of the amount required to make and keep the agency self-supporting.”

Accordingly, as Executive Director of the Pennsylvania Housing Finance Agency, I enclose such information.

The Agency does not intend to request an appropriation from the Commonwealth to pay off any obligations shown on the attached Exhibit.

WMC/MM:epm

cc: Honorable Shirley Dennis
Mr. Arthur Heilman
Honorable Robert Wilburn
Joe Knopic

(Copy of report is on file with the Journal clerk.)

BILLS REREPORTED FROM COMMITTEE

HB 1196, PN 1331 By Rep. McCLATCHY
An Act amending “The County Code,” approved August 9, 1955 (P. L. 323, No. 130), making certain audits mandatory and making an editorial change.

APPROPRIATIONS.

HB 1200, PN 1335 By Rep. McCLATCHY
An Act amending “The Second Class Township Code,” approved May 1, 1933 (P. L. 103, No. 69), increasing the maximum compensation of auditors.

APPROPRIATIONS.

HB 1875, PN 2584 (Amended) By Rep. McCLATCHY
An Act providing for the adoption of additional capital projects to be financed from current revenues of the Game Fund.

APPROPRIATIONS.

ADJOURNMENT

The SPEAKER. The Chair recognizes the gentleman from Allegheny, Mr. Petrone.

Mr. PETRONE. Mr. Speaker, I move that this House do now adjourn until Tuesday, November 24, 1981, at 10 a.m., e.s.t.

On the question,

Will the House agree to the motion?

Motion was agreed to, and at 8:11 p.m., e.s.t., the House adjourned.